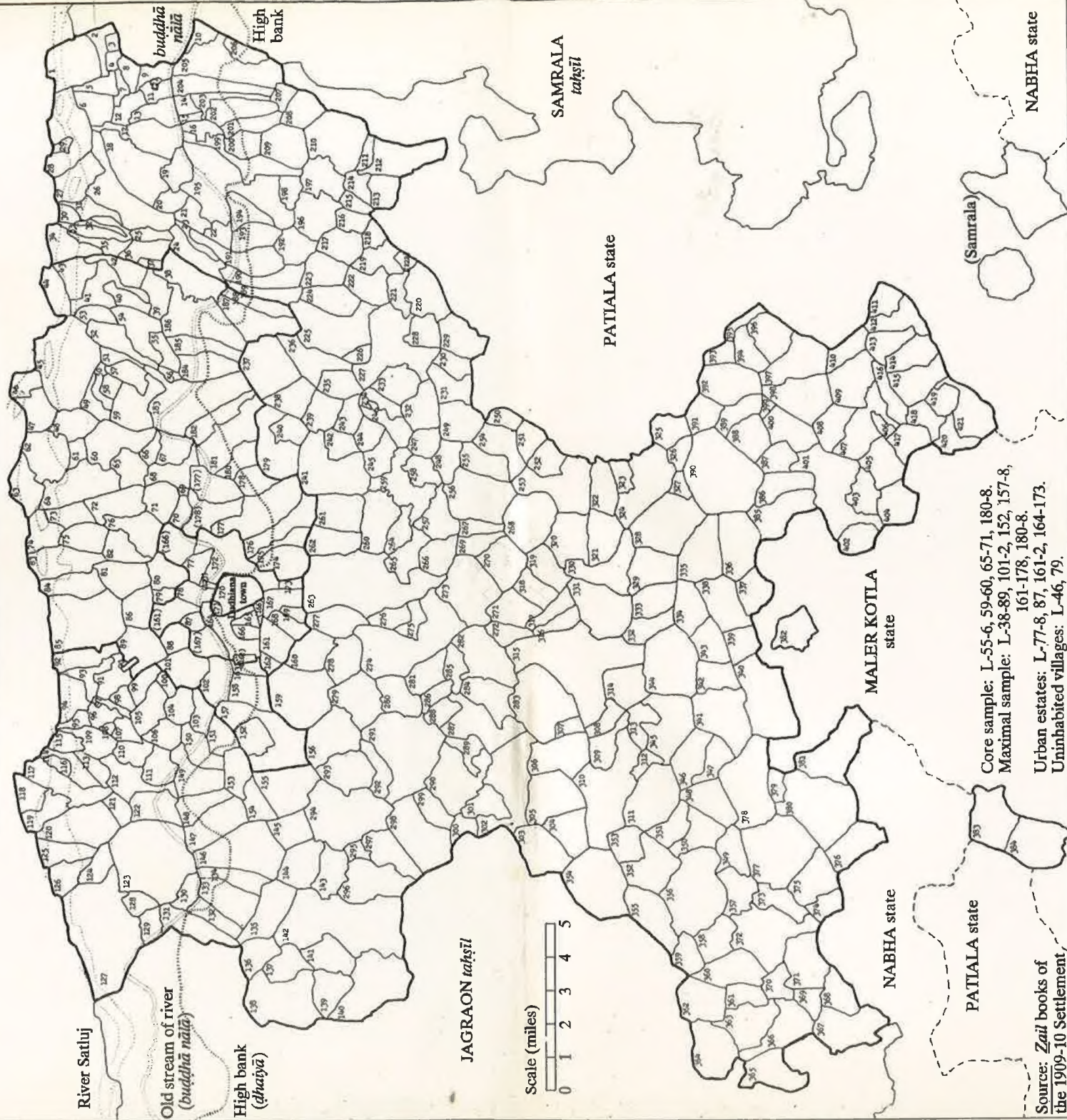


# TAHŞİL LUDHIANA

Boundaries and *haddbast* numbers of village estates at the 1909-10 Settlement



Core sample: L-55-6, 59-60, 65-71, 180-8.  
Maximal sample: L-38-89, 101-2, 152, 157-8, 161-178, 180-8.  
Urban estates: L-77-8, 87, 161-2, 164-173.  
Uninhabited villages: L-46, 79.

Source: *Zail books of the 1909-10 Settlement*



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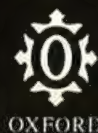
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RULE BY RECORDS

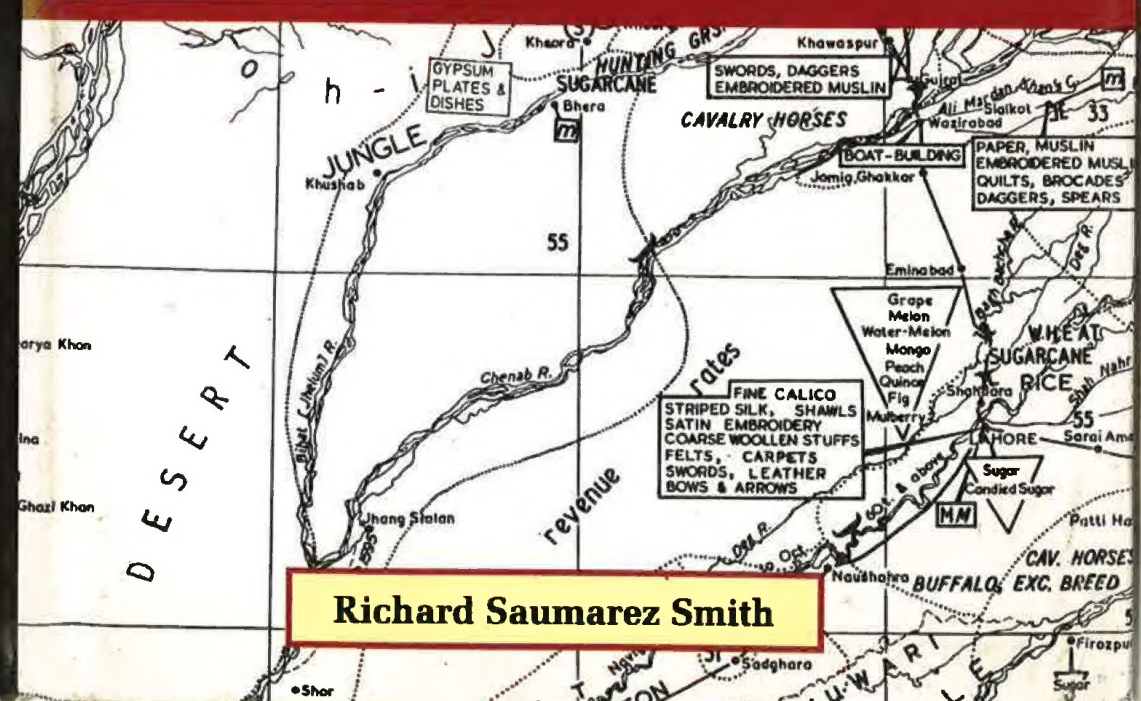
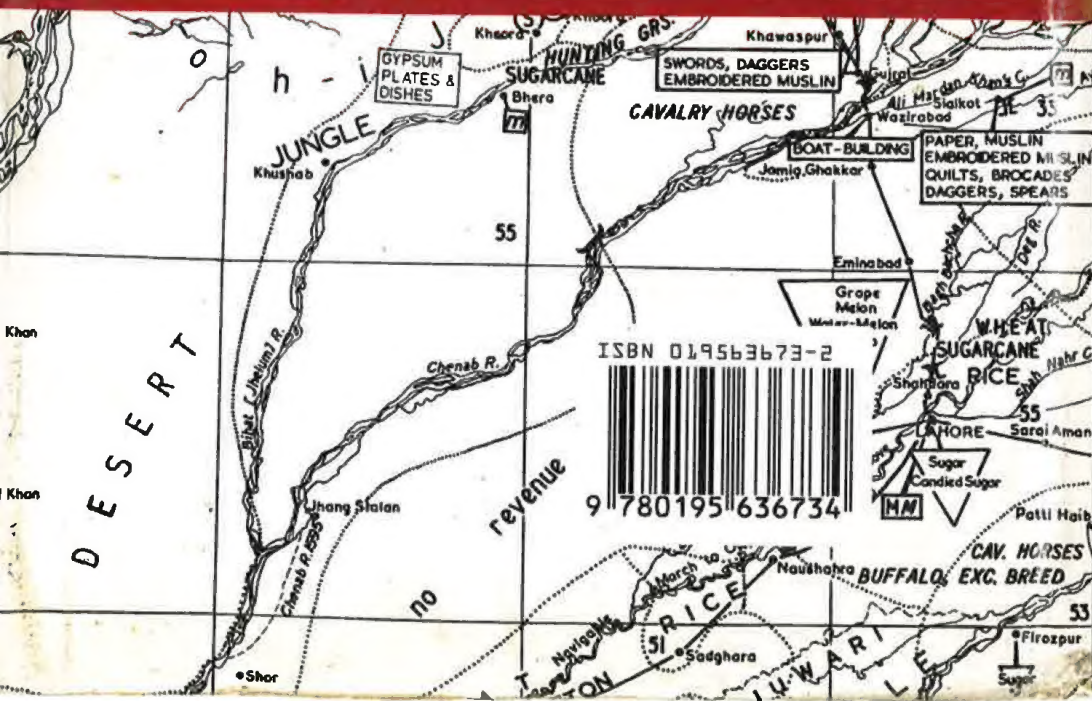


OXFORD

# RULE BY RECORDS

LAND REGISTRATION AND VILLAGE  
CUSTOM IN EARLY BRITISH PANJAB

Richard Saumarez Smith





# **Rule by records**

**Land registration and village  
custom in early British Panjab**

**Richard Saumarez Smith**

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for Jit

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## Preface

Whether or not this represented a break with indigenous traditions of sovereignty, the first civil act of the British government in newly conquered parts of India was, as Maine wrote, "to effect a settlement of the land revenue".<sup>1</sup> But Settlements did more than determine revenue. They also defined rights to land; and the records, in which the rights of everyone with an identifiable interest in the land were registered, defined a new idiom for the cultivator just as they defined a new level of involvement of the State in the cultivator's interests. British rule was one of law in which the collection of revenue was tied to the creation of private property in land. Settlements were the means by which villagers were first drawn into the rule of law and the continually updated records of rights acted as a constant interface between ruler and ruled, in the ruler's idiom. This book is an attempt to understand that idiom, by analyzing the records of the first Settlement of a number of villages in a particular district of the Panjab.

The first, or 'regular', Settlement of Ludhiana district in Panjab (India) was completed in 1853-54. By studying this Settlement's records for a number of contiguous villages in the neighbourhood of Ludhiana town it has been possible to build up a picture of how the Settlement was effected in the locality and of how agrarian relations were classified in terms of the legal grid of proprietor and tenant. This inductive picture then becomes a frame through which to observe the idiom in which agriculture had been organized in villages of the locality before British rule. In this way "one of the oldest questions in modern Indian historiography ... the impact of British land law and revenue policy on village property relations"<sup>2</sup> can be revived by going back to study the actual village records involved.

<sup>1</sup> H.S. Maine (1876:149), quoted by A. Wink (1986:160 and 253).

<sup>2</sup> Ludden (1985:151).



The study has taken a long time to bring to fruition and I am indebted to many people who have given me hospitality and help along the way. Khushwant Singh and his family were enormously generous at the time I was doing an M.Litt. at Delhi University; those early morning winter walks around Suraj Kund or beyond Sohna are forever memorable. At Cambridge Professor Tony Wrigley gave me guidance and stood by me throughout the time I was away or off the register, for which I will always be grateful. King's College provided an initial research grant in 1971 which was followed by a two-year SSRC research studentship. The Smuts Memorial Fund of Cambridge University and the Stephen Behrens Cohen Travel Fund of King's College provided additional support for field-work. During my four and a half years' research in the Revenue Records Room of Ludhiana district I lived at the Panjab Agricultural University, Ludhiana, and I am grateful to Professor M.S. Randhawa, the Vice-Chancellor at the time, for this privilege. I would also like to thank Professor S.S. Bal in the history department there, Professor Raghbir Singh in the extension education department and Professor P.C. Deb in the sociology department. Mr. I.S. Bindra was the Deputy Commissioner of Ludhiana at the time I was starting work in the Revenue Records Room and I am grateful to him for the interest he showed. To the staff of the Sadr Kanungo's office I am especially indebted, especially Mohinder Singh, the S.K., Nirranjan Singh, the late deputy S.K., Rajinder Singh Jolly, and above all Sadhu Singh Chauhan, the record keeper and *jāgīr* clerk, for I learned to read the records under their tutelage and they always gave me help with unfailing patience and good humour. I am also grateful to the head of the Zillah Parishad for allowing me to work on the household census records of the 1853 Settlement in 1976/77. For teaching me the elements of Urdu I thank Mr. Rashid Hasan Khan of Delhi University. During the period of my field-work I was attached as a research student to the Department of Sociology at Delhi University, which continued my earlier association as an M.Litt student, and I want to pay tribute to the intellectual stimulus provided in

the seminars there, the essence of university teaching. Later, in February 1984, I was invited to give a seminar in the department, that was subsequently published, and I am grateful to Professor Veena Das for the support she gave. My fullest intellectual debt, however, is to Professor Jit Singh Uberoi, also of the Department of Sociology at Delhi University, to whom I dedicate this book. He was my guide throughout the research, and after my return to England in 1978 he made sure that I did not lose sight of the original goals whatever else I might be involved in. On a personal note, Jit and Patricia gave me a home whenever I was in Delhi, and Jit introduced me to the Ridge, which at that time was still wonderfully wild. Hede and Rameshwar Dayal I thank similarly for giving me a home in Simla for six months, during which time I got to know all the ridges and valleys around Summer Hill. For the care with which they read my manuscript and offered their critical suggestions, I should like to thank Engin Akarli, Michael Howley and Ashraf Ghani. Finally Martha Mundy has put up with my obsession, even joined in with it and supported me until the work was complete, and to her a special, humble thanks.



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## Standard measures

- Area:** *Bīghā/Biswā*: written in text as (28=14) *bīghās*.  
20 *biswā* = 1 *bīghā*.  
1 *bīghā* = 1 *jarīb* square = 55 yards by 55 yards.  
= 3025 square yards, or 5/8 acre.  
1 *biswā* = 11 yards by  $13\frac{3}{4}$  yards.  
Note: 1 *biswāsī* = 1/20th of a *biswā*, but was not used at the 1853 Settlement.
- Weight:** *Man/Ser*.  
40 *ser* = 1 *man*.  
1 *ser* = a little over 2 lbs.
- Money:** Rupees/Annas/Pie: written in text as Rs.49/13/8.  
12 Pie = 1 Anna, 16 Annas = 1 Rupee.
- Era:** *Sambat* era = A.D. + 57 years.

## Conventions

Villages are referred to by their *haddbast* number and the *tahṣīl* in which they are situated, according to the current Settlement lists.

L-67 means village no. 67 in Ludhiana *tahṣīl*.

S-67 means village no. 67 in Samrala *tahṣīl*.

J-67 means village no. 67 in Jagraon *tahṣīl*.

See Appendix C for names of villages in the locality studied.

Land-holdings are referred to by their ordinal number in the relevant Settlement register of a village.

(4.) refers to a proprietary holding at the 1853 Settlement.

(.4) refers to a cultivation holding at the 1853 Settlement.

[4.] refers to a proprietary holding at the 1882 Settlement.

[.4] refers to a cultivation holding at the 1882 Settlement.

Each land-holding consisted of a series of plots whose dimensions and boundaries were defined with reference to a field map and field register.

A 'proprietary holding' consisted of plots all owned by the same proprietor or group of proprietors. A 'cultivation holding' consisted of plots all cultivated by, or all occupied by, the same person or group of people, according to certain criteria of what constituted occupancy. One proprietary holding would contain at least one, and sometimes more than one, cultivation holding.

# Chapter 1

## Introduction

### 1.1 Method

In the harder sciences the setting up of an experiment is considered crucial to the outcome of research. Let me therefore start by saying how I set up my own experiment on land registration during the early years of British rule in the Panjab. I have to explain three choices: one, why I limited my source material to village revenue records; two, why I chose to cover as many as 84 village-estates, to form a single connected locality to the north-west of and including the town of Ludhiana; and three, why instead of a diachronic study involving the comparison of records over time (for which the system of land registration was designed) I chose to do a synchronic study, focussing on the records of rights to land which were prepared for the selected villages at a single point of time, namely 1853, as part of what was the first (or "regular") revenue Settlement of Ludhiana district after the consolidation of British rule. I consider these three aspects crucial to my analysis of the effects of registration on land systems at the time and crucial therefore also to any claim to generality that my work may have.

I should say at the outset that my initial concern was not with land systems or land revenue administration but with the reification of caste through the Census, an institution associated during the later period of British rule in India with a characteristic approach to knowledge about society



and also with the imperial policy of divide and rule. From the early years of the twentieth century the decennial Census of India was a focus of agitation in the Panjab by different interest groups, principally those of caste, religion and language; the 1931 Census was made the basis on which seats were allocated in provincial assemblies according to the 1935 Constitution of India Act; village tables of the 1941 Census were used by the Radcliffe Boundary Commission to draw the border between Pakistan and India. This much was clear. In an early piece of research I examined the published report and tables of the 1931 Panjab Census. But tabulation in the decennial censuses had always been by district, a unit of administration averaging in the Panjab plains some 900,000 souls in 1931, and this was a long way epistemologically speaking from the unit of analysis favoured by sociologists, the village. Armed therefore with assorted references concerning the possible preservation of village census tables in district records rooms, I resolved to extend this earlier research backwards in time and downwards in space, to examine the question of reification at a more local level. And I started with Ludhiana district.

I did not in fact find village tables of the Panjab Census dating from earlier than 1941, although the discovery of tables and maps of a household census of villages, conducted between 1850 and 1853 as part of the first Settlement of Ludhiana district, was later to have a bearing on choice number three concerning synchrony. However, what I did find at Ludhiana district headquarters was the Revenue Records Room, in which were preserved a continuous series of records of rights to land, for every village of the district, dating back to the very beginning of British rule. The foundation of present rights to landed property in the Panjab remains to this day the village records of the first land revenue Settlements. Government intervention in village affairs was clearly more basic a condition of British rule than the periodic enumeration and classification of its subjects.

I say that this was a discovery for me with some embarrassment. But at that time anthropologists made few

references to, and virtually no use of, village records; while historians obviously knew of such a cache but either were snooty about the contents or simply had not yet developed a key to expose their value, to relate the extraordinary factuality of village records to the broader concerns of historiography. More on this below: I believe the discourse of knowledge about Indian society is still to some extent trapped by the terms under which official records and reports were produced during the period of British rule.

A second element to my surprise on first looking at the village revenue records was the extent of detail, which covered not only rights to land but also more general aspects of social organization. And this was available for every village. Had the drive for information at the time been directed solely at assessing the revenue potential of agricultural land? What had been going on?

The focus of my inquiry shifted therefore from the Census, as an institution of British rule, to the Settlement; and correspondingly from caste to another central concept in the sociology of India and one at the heart of land administration in the Panjab, the village community. The theme of reification has remained. But instead of looking at processes of change in the conceptualization of social identity, which would involve a diachronic approach, I have chosen to concentrate on the process of the first registration of land, on how at the very inception of British rule a grid of official categories was lowered, as it were, over the network of agrarian relations to establish the basis for a new rule of law, a Domesday Book for the Panjab. A close reading of the records of a number of villages in one locality at that particular juncture of history, necessarily underpinned by a rigorous methodology, allows an observer to look through the grid of official classification to gain new perspectives on (1) the system of agrarian relations before British rule, (2) the process of transforming those agrarian relations into a new mould, which may loosely be called that of private property, and (3) fundamental elements of British imperial government, some of them unspoken, as this later developed. Because these are perspectives from the bottom



upwards they undermine established views. Moreover, if the analysis is close enough, the deconstruction of official categories can be followed by a reconstruction of agrarian relations in alternative terms. The village records act like a window for observing backwards as well as forwards in time, and outwards to whatever was being registered as well as inwards to the administrative processes of imperial government.

This is enough of personal history, except to acknowledge my enormous debt to the staff of the Sadr Kanungo's office in Ludhiana where I studied for four and a half years. Everything I learned was at one table in this office, from Urdu calligraphy (of which the records contain fine specimens) to the technical language of mutations registers. The Revenue Records Room became my field laboratory. With the help and generosity of the staff, supported by the Deputy Commissioner, I was able to perform numerous minor experiments on my chosen data, in the sense of being allowed to pore over the same records again and again abstracting and combing in different ways.

### 1.1.1 Choice of locality

With this background, I shall now explain the three methodological choices I stated earlier, beginning with the second, the reason for examining a locality or small region of about 100 square miles, consisting of some 84 separate village-estates of my own choosing. Part of the reason I have already hinted at, that official information tended to be abstracted in terms of the district, the unit of administration which hinged local administration, down to village level, with provincial government and the Government of India. The latter, upper levels of administration were the exclusive preserve of the "heaven-born" Indian Civil Service, which operated in English, whereas the lower levels of district administration were headed by members of the I.C.S. but were otherwise staffed by a provincial cadre of civil servants operating in the local language. For the English-reading

public, the district inevitably became the main unit of information concerning local affairs, as much in statistical abstracts like the Census as in the large body of administrative reports prepared in the offices of the official who headed district administration, the Deputy Commissioner, who was at once chief executive, head magistrate and revenue collector of the district.

Central to the genre of official information about the Panjab were its district Settlement Reports. Land revenue in the Panjab was tied to landed property. Settlements therefore involved not only the assessment of land revenue but also the determination of rights to land, both aspects requiring minute investigation. These were not Permanent Settlements, as in Bengal, but were designed to last for some thirty years before revision. The published reports of the officials who directed Settlement operations in a district quickly became the foundation of official knowledge concerning local conditions of agriculture, land tenure and much else besides. This indeed had been intended by the decision of the government of the North Western Provinces in the 1840s that Settlement Reports should be published and made available to the general public.<sup>1</sup>

It is not that such district reports and abstracts are inaccurate in any positive sense. Accuracy is not the issue. This large body of official data is still the principal source for what we know about a particular era and it conditions more generally how we speak about the past. Facts may always be countered with more facts. But until the terms are challenged in which the discourse of knowledge about India was constructed during British rule, little of historiography will radically change. Official reports are extensive and readily accessible; and it is not an easy matter to penetrate below the level of the district in ways that are not preselected. Yet a district in the Panjab contained on average some 1100 villages; Ludhiana district had 898 villages at the time of the first Settlement in 1853. If an area of this magnitude becomes the unit for which information is

<sup>1</sup> NWP Revenue Proceedings, 1844, 28th September, no. 269.



## 6 Rule by records: Land registration in the Panjab

abstracted and presented to the public, then inevitably the terms in which society is discussed also become gross, the local becomes defined in relation to region and sub-continent in particular ways, and the concept of India itself is affected. Governments must have ways of knowing their populations and of informing their subjects. But it is not the job of the historian or social scientist to reproduce this knowledge in the same terms. In any case, this was my main motivation for attempting to build up a picture of a small region from individual village records, in order to be in a position to assess the information contained in a district Settlement Report in terms not so much of accuracy as of perspective and manner of compilation.

A second reason for considering more than a few villages is that the village records are stereotype in form. Surprise at finding a wide extent of information in the Settlement records of any one village soon gives way to caution at its uniformity. Who was speaking, the official or the farmer? and were the terms — what anthropologists might call native categories — those of local agricultural practice or had they derived from revenue administration in the older North Western Provinces (roughly present-day Uttar Pradesh), where Settlement procedure was formed and from whose towns many of the officials employed in the early Panjab Settlements came; or were some terms perhaps translated from English? In order to discover the contours of permitted variation in this stereotype form it is necessary to examine a large number of the same kind of register. This is especially necessary if the grid of official classification is as much under scrutiny as the agrarian relations which were being classified and registered. In the margins of registers — especially the preliminary registers of the 1853 Settlement — remarks were occasionally recorded by the field surveyor concerning problems of classification; similarly direct evidence of the difficulties of registration occasionally comes from the correspondence, which for some villages has miraculously survived among the loose papers of the 1853 Settlement, between field surveyors and the supervising agency directing Settlement operations in the district. But

this is only the dressing. The basis of understanding how agrarian relations were classified and registered comes from analysis of the entries themselves, and for this it is essential to have an adequate comparative base. Indeed this is what gives the synchronic method of analysis its thrust and significance.

The 84 village-estates lying within the delineated locality form what I call the maximum sample within which abstracts and correlations were made from the village records. For finer detail, requiring familiarity both with a group of villages as a whole and with individual entries in the records of component villages, I found it more convenient to restrict inquiry to a twenty village core. Although the maximum sample represents less than one tenth of the total number of villages in Ludhiana district, it includes a wide variety: the 15 urban estates of Ludhiana town, two uninhabited estates and several villages whose lands were subject to the action of the river Satluj, one of the five rivers of the Panjab which forms the northern border of the district; villages where the cultivation was entirely in the hands of tenants as well as villages where the cultivators were all awarded proprietary title to the land at the first Settlement; and villages which claimed the most ancient foundation in the district as well as villages which had been founded only ten or twelve years before British rule. Moreover the locality was intersected by three different *parganas*, Ludhiana, Nurpur and Sahnewal. The *pargana* was a former administrative unit much smaller on average than even the *tahsil* of British administration, requiring therefore different organizational establishment and different articulation with higher levels of government. Since operations at the first Settlement were conducted *pargana* by *pargana*, there were some differences in procedure and even in the form of records between villages of different *parganas*. Furthermore *pargana* Ludhiana had come under British rule ten years earlier than most of the district, in 1835, so records exist for these villages from that much earlier. The boundaries of these *parganas* are shown in Map 3.2 on page 90 while a general map showing the



village boundaries in Ludhiana *tahsīl* is given at the end of the book.

In one particular, villages of the locality differed from the majority in Ludhiana district. Almost all, including the urban estates of Ludhiana town, belonged until 1947 to Muslims, whereas the entire zone to the south was dominated by Sikh or Hindu Jats. The reason for this distribution — see the map facing page 86 — lies in the history of the region's colonization. Villages which claimed the most ancient foundation were situated on the 'high bank' of the former course of the river Satluj and belonged typically to Muslim Rajputs. The stretch of low-lying land between this line and the present course of the Satluj, on the other hand, was the last in the district to be colonized, by a variety of groups including ones traditionally associated with pastoralism (Gujars) and with market gardening (Arains). I am using here the terms of official classification by caste and by religion, without I hope prejudging the issue of what exactly those terms conveyed. On average these villages were smaller than those to the south, an advantage when abstracting details from the records.

### 1.1.2 Restriction to village records

I come now to explain the first methodological choice whereby I limited inquiry to village records alone. Initially I restricted focus in this manner for reasons I have already touched upon, namely that they are not an easy source to analyse and I had few guidelines. The form of the records is stereotype yet they teem with factual detail. While due account must be given to whatever was registered, analysis has somehow to rise above the factuality of the land registers. To restrict the source was thus in order to gain as much control over the data as possible, in a sense I shall shortly describe.

But at the same time the system of land registration had also to be given its proper due, for registration defined its own idiom which anyone having an interest in land was

forced to adopt, both with regard to government and in relations with one another. Farmers no doubt continued to use their own idiom in talking about land; and strictly as a record of facts, entries in land registers may often have simply been wrong. But the legal context in which disputes over land had to be resolved and transactions registered was also a fact. Land did become private property; and the way in which a person was identified in the land registers did define the way he had to approach government, not only in regard to land but for any other official purpose. Identification in these most basic records of government by caste, clan, religion, village of residence and landholding status laid the foundation for the classification of rights according to social group, for the elaboration of customary law, for legislative acts of positive discrimination like the 1900 Alienation of Land Act and more generally for the terms in which Indian society came to be known through official reports.

For reasons both of method and of design, then, I restricted observation to village land revenue records. Both aspects concern the land registers as records of facts on the ground. This now brings us to the question of accuracy, at the level of village records rather than district reports. Since Chapters 2, 3 and 4 are devoted to deconstructing the categories of the land registers, in other words to putting the categories in their legal context or in the context of government policy and analyzing what the categories referred to and what they hid from view, it will be unnecessary to consider that part of the question here. But two general points may be made.

In law an entry in a Settlement record had the presumption of truth. This is more circumspect than an outright claim to accuracy since the categories of registration like owner or tenant had also to be defined in law, as had the procedures for challenging the record. A less cautious view was expressed by the Financial Commissioner of the Panjab in 1860: "The annual papers are meant to be a photograph



of the actual state of the community."<sup>2</sup> Implicit here is an understanding that the records are transparent and that the terms used in the records would be those used in any other source. It is this latter view, I think, which has governed the general attitude towards village records. For the legal clause about presumption of truth allows a single entry in a register to be considered on its own, out of the context of other entries in the same register; and in relation to other sources a land register will then tend to be judged as accurate or inaccurate, not as representing a totality of agrarian relations in its own formal way which itself has to be an object of study. Even if it is only as a preliminary strategy of research, an alternative attitude has to be adopted that the land registers and revenue records of a village constitute their own field, whose internal coherence must be examined before considering what a particular entry might refer to. This, I repeat, is when the land registers are considered as records of facts on the ground, quite apart from considering land registration as the leading edge of imperial rule or the principal means by which villagers were inducted into a new rule of law. Indeed I would go further and adopt the same attitude towards comparing registers of the same village over time, namely I would set one entry in a register against all other entries in the same register, to apprehend the relation of part to whole, before comparing corresponding entries in registers of consecutive dates. It may turn out that differences between corresponding entries in consecutive registers can all be explained by reference to changes in ownership or changes in tenancy, in other words changes on the ground which the registers are assumed faithfully to reflect. But since it is differences rather than samenesses which generate explanation and offer any hope of insight into the process of registration, they should be approached cautiously, in order that mere discontinuities in the facts of landholding on the ground, say, may be distinguished from major differences in process or disjunctions in the whole record.

Put a different way, it may be true that P son of Q owned X *bīghās* of land in village R in 1853. But this in itself is not a very interesting fact. If on the other hand, the same man's holding is plotted on the village field map and is seen to be different in lay-out from the holdings of all other landowners at the time, then this holding does become of interest; it becomes a fact which has to be explained in relation to other similar facts. The method of comparing different ways in which a list of people is ordered I call the method of divergence, since it is the points of divergence between different orders that generate further questions. A map of fields and holdings, showing the pattern of allotment of cultivable land to different categories of landholders and different groups of shareholders in a village, offers the most vivid example of this method for it highlights inconsistencies in the award of rights and contradictions in the official understanding of shareholding. By contrast the method of convergence builds a historical picture upon points of convergence or of agreement between different sources.

The restriction to a single source is thus a matter not only of topic but also of approach to what constitutes a fact and what constitutes an experiment. I should add however that there are few known alternative sources, even allowing for those which by their nature are more selective such as reports on particular events. Land registration, after all, covered every village more or less uniformly; every square inch of territory had to be registered in terms both of ownership and of occupancy, including uncultivated land and even — though this was a greyer area — the village site. Apart from the revenue records the only other official sources at the level of the village for the 1850s would be the judicial records, probably records of the office of the Deputy Commissioner and perhaps police records. None of these sources has yet been adequately investigated by scholars. In particular the Judicial Records Rooms of districts in the Panjab remain unknown territory to scholarly research. Perhaps the records of claims brought before the 1853 Settlement Officer in Ludhiana will all be found neatly indexed by village in the Judicial Records Room, which lies

<sup>2</sup> Punjab (1861: circular no. 63 of 1860).



adjacent to the Revenue Records Room at Ludhiana district headquarters. But to investigate this would have meant a change on my part of laboratory, so to speak, for the judicial records no doubt have their own form, and new strategies of analysis would have had to be devised to penetrate their idiom.

### 1.1.3 Synchrony and diachrony

Synchrony is the third major aspect of methodology and the most important of the three. From it follow both the decision to cover the records of a large number of villages and the restriction to a single source. The main point to explain concerns the relation between synchrony and diachrony. But first I would like to clarify a point about the relation between the records of the first Settlement and those of subsequent Settlements.

Choosing to study the records of the first Settlement of a district is clearly more a matter of overall design than of method, since Settlements of 30 or 60 years later would not yield much on the question of agrarian relations before British rule. Even so, I should say that it takes some determination to press backwards in time to the earliest records, since the records of subsequent Settlements were intended to be an easier source of reference for the public — more user-friendly — and since it is the reports of the second generation of Settlements dating from the 1870s that exude imperial authority. Moreover, if the object is to trace the background of present conditions, is not 1882 early enough? To this day, reference is more often made in the Ludhiana district Revenue Records Room to the records of the second Settlement of 1882 than to the 1853 records. The continuous series of mutations' registers and quadrennial revisions of the Record of Rights (the *jama'bandī* or *khewat-khataunī*) date from 1882 and all revenue officials have to be familiar with the form of both these series. Furthermore, as far as access is concerned, a duplicate of the 1882 Settlement records is preserved in the records room of each *tahsīl*,

located at *tahsīl* headquarters, whereas the only copy of the 1853 Settlement records is kept in the Revenue Records Room at district headquarters. On the other hand, between the two Settlements of 1853 and 1882 no copies of annual papers have been preserved anywhere. Consequently, for revenue officials and judicial pleaders (*wakīls*) of the present day, reference to the records of the first Settlement of 1853 generally goes beyond the limits of what they are most familiar with; and earlier papers, such as the preliminary registers of the 1853 Settlement, the Summary Settlement records of 1846 or, for villages in *pargana* Ludhiana, records of earlier Settlements still, are definitely beyond most officials' acquaintance. In any case, the latter records do not have the same standing in law as the final records of the 1853 Settlement. But it is the records of the 1882 Settlement in particular which still command the most attention. Written in elegant hand (*khush-khatt*) on strong paper, there is an index of names of landowners at the front of the main register, the Record of Rights, and a table showing the correspondence between 1853 and 1882 field numbers, to facilitate cross-reference; the field map is on cloth-backed paper; and, also on cloth-backed paper, there is what is called the Genealogy of Proprietors on which are traced the connections from the landowners at the time to the putative founders of the village. The Genealogy shows the existing measure of each landowner's rights (his share), how this had devolved from previous generations and the numbers of holdings in the Record of Rights to which he had title. Together the field map and Genealogy of Proprietors serve as indexes to entries in the detailed registers for anyone inspecting the records who might not be familiar with the form of registers but would know where a disputed field lay, for instance, or how the person concerned was related to the principal lines on the Genealogy. In a later chapter I shall be considering the Genealogy of Proprietors in some detail for this became a potent form of representing a village community. No genealogies had been prepared at the 1853 Settlement.



Nevertheless, although the records of subsequent Settlements may be more approachable and may present a version of village history more authoritatively, the records of the 1853 Settlement form the basis of present rights to land in the district, however many individual mutations or wholesale revisions of the record at subsequent Settlements may have occurred since. Being the first Settlement of the whole district, moreover, there were records prepared in 1853 or a little earlier which have no counterpart at subsequent Settlements, such as extensive boundary proceedings, detailed crop registers and a full household census. And as I indicated earlier, some of the preliminary registers which were prepared before the measurement of fields in 1852-53 have been preserved loose-leaf (not bound into the two volumes which comprise a village's official Settlement record), as has some of the correspondence with field surveyors.<sup>3</sup> It is thus possible to observe the progress and the organization of the first Settlement in a way that it is not with subsequent Settlements.

But aside from questions of strategy, which dictate the choice of the earliest Settlement, synchrony is a methodological option. The selection of a number of villages to form a locality and the exclusion of other sources of information follow on from this choice. To study the same kind of records, prepared at the same time by the same agency under the same rules of procedure for a number of villages, allows a greater degree of experimental control over the data than a comparison of records prepared at different times can ever give. This is true, I would argue, even where diachrony, in the form of official procedures for mutation and revision of the register, is built into the registration system. The relation between entries in a register and what is registered, the facts on the ground classified in a certain way, can never be simple; and one must postpone judgement on this relation — its accuracy, selectivity and form of representation — until a complete

picture has been assembled and tested for general coherence and the absence of internal contradiction. Moreover diachronic comparison immediately involves the notion of change and immediately therefore invites comparison with alternative sources of information, against which, for reasons already noted, the revenue registers tend to be found wanting.

This is not to say change is not implicit in the synchronic picture too. An example which informs my analysis, although it is not central, is to perceive different stages of the developmental cycle of families in the bare composition of households recorded at the household census in 1853. From this follows the isolation of a different type of household from normal, that of the shopkeeper, whose family base can be traced to Ludhiana or some other town but who was enumerated as a lone male in the village where he had his shop. A second more pertinent example is to deduce, from the lay-out of fields and holdings in 1853, how long beforehand the allotment of holdings and the allocation of shares in a village had taken place.

Moreover, however austere I may have depicted this methodology, synchrony and diachrony are inextricably linked in explanation: without the one the other cannot be imagined. The synchronic picture of agrarian relations in 1853 is informed as much by a reading forwards in time, both of records and of the legal context, in order to bring out elements in the picture which otherwise might escape attention, as by a projection backwards to an imagined form of organization when change occurred in a different idiom before British rule had imposed its own idiom of surveys and land registration. In turn the synchronic picture of 1853 gives substance to later developments in law or in agrarian structure as much as it draws from a reading of earlier forms of revenue administration, in order to place the form and procedure of the 1853 Settlement in context. Ultimately, if the analysis of land registration in a particular locality at the start of British rule is sufficiently thorough, and if the reconstruction of an imagined alternative beforehand is

<sup>3</sup> See Appendix A for details of the Settlement Records preserved in the Revenue Records Room, Ludhiana.



sufficiently consistent, then wider implications for historiography cannot be avoided.

Finally a note on the synchronicity of the first Settlement itself. This is known as the Settlement of 1853, or more properly as the regular Settlement (*qānūnī bandobast*). Similarly the second, revised Settlement of Ludhiana district is known as that of 1882 and the third that of 1909-10. But this is shorthand. Settlement operations had many stages, were conducted for each village separately and took several years to complete. Briefly the sequence of operations was as follows. The first Settlement began with boundary proceedings for each village in 1847, followed by the external trigonometric survey in 1848. The main Settlement operations were conducted between 1850 and 1853. For villages in the locality studied, the *tahşildār's* assessment reports date from 1850, as do the first household censuses; preliminary registers of ownership and tenancy were prepared in 1851; fields were surveyed for the most part in 1852; revenue contracts were signed by village headmen in 1852 or 1853; and attestation of a village's constitution by all the landowners took place in 1853. The Settlement Officer closed proceedings for each village with a statement dated 1853 or 1854. Davidson, the Settlement Officer from 1850 to his dismissal in the summer of 1853, forwarded his report to the Panjab government in October 1853; and '1853' is how the first Settlement is generally known by revenue officials in the district today.

#### 1.1.4 Summary

When Settlement operations are put under the microscope in the way that I have outlined it is not surprising that inconsistencies soon begin to surface in the detail, notably in the award of rights, and a contradiction becomes apparent in the overall design. It is these inconsistencies which have to be exploited to yield an alternative view of landholding at the start of British rule. The chief contradiction can be stated most succinctly with regard to language or what I call

idiom. For on the one hand there was an effort to employ local terminology, as part of a wider effort to support local institutions; on the other hand this was done in a uniform manner for every village and the categories of registration had to be uniform. Let me elaborate this briefly and then go on to describe the main focus of my analysis.

An explicit objective of the system of land registration introduced in the Panjab at the end of the 1840s was to maintain the way land was held on shares in village coparcenaries. The principal means for doing this was what was called the Village Administration Paper or *wājib-ul-'arz*, which formed part of every village's Settlement records. In this paper, which was written in the form of a contract between the government and the shareholders of a village corporately, were set down the rights and responsibilities of shareholders and the conditions under which the village administered its affairs. This was before the establishment of customary law, it should be stressed, when local meant village rather than tribe or caste. Local terms could be used for shares, while at the same time land measures were standardized and agrarian relations fitted into an overarching legal vocabulary of ownership and tenancy. The intention was no doubt admirable. Rights could be protected while the strength of village communities was upheld. But in the process the principles of shareholding were altered and forms of village organization changed. This change can be stated most concisely, I think, as a change in the idiom in which agrarian relations had been expressed. Shares had been reckoned locally in ploughs, a key term in agriculture with many connotations. When formal weight was given to one particular usage and this was tied to a notion of property in fixed parcels of land, the semantic field was disturbed. Correspondingly the integrity of the old system of shareholding, which had centred on balancing economic resources within a village, was undermined. For a privileged core of landholders, shares were still registered in terms of ploughs, although without all of the former associations with the lay out of fields and the command of productive resources. The expression was now



merely customary, like an "algebraical symbol" as one contemporary observer put it.<sup>4</sup> The systemic character of shareholding was broken even as a particular usage was preserved. In the rest of this introduction I shall present the argument in finer detail.

## 1.2 Argument

The chief characteristic of agriculture in the locality that is observable through the village records of the first Settlement was the regular lay out of cultivated fields in blocks of narrow strips. A typical holding would consist of one strip in each block, making perhaps seven or eight strips in all. The holdings or allotments were reckoned in shares, the size of a share determining the relative width of that shareholder's strip in each block. Each block ideally contained the same number of strips, corresponding to the full complement of shares in the shareholding group, but within each block the strips were arranged in a random order. Holdings thus varied in size but were uniform in quality, since they all contained the same mixture of good and bad soils or good and bad locations; the advantages and disadvantages of different locations within a village were equalized, and the criteria on which equalization was done were determined by the shareholding community itself. This principle of equally-valuated holdings (Baden-Powell's phrase) or fair-share allotments (Neale's phrase) has been thought typical of what was known officially as a *bhāīachārā* tenure (literally 'brother-custom'), in which the majority of land was held in severalty but a significant proportion remained undivided, held jointly by the community. Whatever the official nomenclature, however, which in any case altered over the course of the nineteenth century, most villages around Ludhiana at the time of the first Settlement did have the general characteristic of fields laid out in blocks of narrow strips, while the particular pattern of blocks of fields varied

significantly from village to village, depending principally on terrain and on how the village was constituted. Very often, for instance, a village would be subdivided into two or three sections (*paṭṭīs*), each consisting of a certain number of shares and each section bearing a certain simple ratio to the whole village. In some villages, two tiers of fair-share allotments might then exist, corresponding to the levels of subdivision, with the different sections having been allotted land in a series of blocks on the same fair-share principle as the individual holdings of shareholders within any one section. But in other villages the lands of each section might be quite detached from each other while internally holdings would be laid out in fair-share allotments as usual.<sup>5</sup>

The allotments as a whole covered the major part of a village's lands and almost all the cultivation. There might be some isolated patches of cultivation on the remaining land but these typically were held by village servants as grants in lieu of service, by notable men of religion of the locality or wider region as endowments for some institution, or by others who for some reason had not been incorporated into the shareholding system. In the first two cases at least, no portion of the produce would have been surrendered to the village headmen as 'rent', and very likely not as 'revenue' for the ruling power either. The bulk of cultivation — all that was liable for government revenue, which this was conceived as a certain share of the produce, in cash or in kind — was done in allotments, which indeed contained no uncultivated land beyond temporary fallow. The land on which revenue had to be paid thus coincided with the allotments of shareholders, and the shares which governed the allotment of land for cultivation were used to calculate the contributions of individual shareholders to the total revenue demand. The same shares also governed access to the uncultivated waste; and sometimes the investment required for a particular agricultural improvement like sinking a masonry well would be shared on the same basis. In other

<sup>4</sup> Campbell (1852:87). See page 342 for the full quotation.

<sup>5</sup> See for instance the field maps facing pp. 145, 148 and 176.



words shareholding governed all aspects of agricultural production.

The shares which determined the size of individual holdings were expressed in ploughs. The basic connotation of this measure was the amount of land a team of oxen could plough in a given unit of time, and for this reason the absolute area of cultivation associated with a plough of land varied from locality to locality. But the term was also used to state the relative command of productive resources within a shareholding group, metonymically from the number of plough oxen a person possessed; and at a higher level of abstraction the plough was simply the unit in which shares or proportions were expressed, without any necessary correlation with material possessions. The area associated with a plough of land might thus vary even inside a village according to social factors such as the degree of subdivision within the group, the duration a given allocation of shares had been in operation or the extent new members had been allocated shares without the older members' allocation being changed and without the total area of cultivation being extended. As with the criteria for equalizing holdings in the lay out of fields, determination of what exactly a plough represented or how many ploughs a group was responsible for lay in the hands of the local shareholding body, though there would be general agreement over which factors might cause the measure to vary. That said, in neighbouring villages with the same disposition of soils and with holdings equalized for quality, the absolute area of a plough of land was often identical.

When considering the term in relation to shareholding, however, it is necessary to put on own side the apparent waywardness of a measure in ploughs and to focus on what the term meant to the person who used it, for only then will we be in a position to appreciate the kind of change that occurred when the British government grafted its notion of private property onto the institution of shareholding. Concerned to establish a fixed basis for apportioning revenue liability within a village, British officials took account only of the abstract sense of the term, where there

was no necessary relation to the actual number of plough-oxen in a shareholder's possession. But in local usage, so far as we are able to judge, the term ploughs had multiple connotations, signifying at the same time possession of plough oxen, a certain area of cultivation, the input of animal and human labour required to cultivate that area, a proportionate share in the common agricultural resources of a village and a certain relative standing within a community. Thus a second principle underlay the practice of shareholding besides that of allotment in equally-valuated holdings, namely that the allocation of shares was based on the productive capabilities of shareholders. Whether the association between a given measure of ploughs and the actual number of plough oxen was only figurative, or had once been exact but was no longer so, or had continually to be maintained through an annual reallocation of shares (and a corresponding reallocation of holdings) is not immediately relevant. In local usage the association was there. This usage I call the idiom of ploughs. For contrast, the official context of land registration may loosely be called the idiom of records, where the expression of shares in terms of ploughs meant nothing special and where shareholding related ideally to status by birth in an ancestral community.

In the idiom of ploughs the amount of land a man was allotted for cultivation corresponded with the extent of his resources (the number of oxen he possessed and the amount of labour he could command): his share represented his productive capabilities. Fair-share allotments thus combined a fair distribution of productive land, in holdings of uniform quality, with a fair allocation of shares according to each person's capabilities. The common agricultural resources of a village were shared on the basis of the individual resources of each shareholder: the total amount of land to be cultivated, corresponding to the total number of ploughs, was divided up in such a way that the yield per plough would be the same. If each shareholder was then required to give up a certain proportion of his gross produce as the ruler's share, the burden would fall evenly on all; while if a gross demand on a whole village was apportioned



to individual shareholders according to their shares, this too would fall evenly on all members of the shareholding group. In other words, the one-to-one systemic relation between allotments and revenue liability did not depend on the form in which revenue had to be paid.

Apart from the government land revenue, other charges were collected by the village headmen from shareholders, just as other taxes were levied from non-shareholders and non-cultivators, in order to defray the common expenses of a village. These village expenses are said to have been sometimes large and their apportionment, where revenue was collected in kind, was one reason adduced by officials at the start of British rule for the development of shareholding among cultivators in terms of ploughs.<sup>6</sup> Shareholding has thus to be considered not only in relation to agricultural production in a village and the payment of government revenue, whether in kind or in cash, but also in relation to the general management of village affairs. The land cultivated in allotments has to be viewed as part of the whole territory of a village, the cultivating community of shareholders must be situated within the whole village community, and regulation of the means of agricultural production must be set against village government in general. This is where my own reading of the nature of shareholding before British rule starts to differ from shareholding as it was instituted in the British system of land administration in the Panjab. For we are trying not only to deduce how land was thought of or agriculture discussed in the farmers' own idiom, rather than in the official language of property relations, but also to place agriculture and shareholding in a wider context and to visualize how agrarian relations might have been classified differently at the first Settlement. One extreme view, for instance, might

<sup>6</sup> "The *kan baqāṭī* system [collection in kind as a share of the crop] was of course unfavourable to the development of organization of co-parcenaries.... Still huge *malba* [village expenses] had to be portioned out and hence the various methods of allotments by *hals* (ploughs) etc. ... were brought into play" (R. Temple's *Jullundur Settlement Report*, quoted in Douie 1899:para.111).

see allotments in terms of property as an incident of partition of a village-estate once held in common, the result of the cumulative action of partible inheritance over successive generations. But an alternative view would be to see allotments as the product of deliberate collective organization, representing only one aspect of village organization separate from and subordinate to the general control of territory and the maintenance of a position of dominance within a village. The way the common resources of a village were shared among those engaged in cultivation concerned agriculture and therefore land revenue, as this was defined. But did it concern anything else? Why elevate it as the principle behind rights in the whole territorial estate of a village? Underlying this is a general question concerning the gradation of powers or distinction of privileges which had existed in a village before British rule regarding use of the land; and the parallel question is how adequately such distinctions were fitted into the mould of property relations as registered by the British imperial administration at the first Settlements.

When viewing the allotments in relation to the whole territory of a village, two other main classes of land need to be considered, the village site and the commons, the latter including isolated patches of cultivation of the kind mentioned above. There were almost no gardens or orchards in the locality studied, nor forests, which in other regions could make the overall picture of tenure in a village more complex. I should hasten to add that this is a classification of land, not of property holdings; so what I mean by commons is not what was understood in law, after the first Settlement, as *shāmīlāt* (literally 'things joint'), the joint holding or common property of a group of proprietors each of whom already owned land in a distinct holding of his own, the group typically comprising all proprietors in the village or all proprietors of a particular village section (*paṭṭī*). Such common property holdings (*shāmīlāt*) might include some allotments, in addition to the village site and commons, if the holders of those allotments were only recognized as tenants of the joint proprietary body at the



first Settlement, not as proprietors. The legal category *shāmīlāt*, meaning common property holding, is opposed to the totality of individually held proprietary holdings, whereas the opposition commons-vs.-allotments relates to the topographical lay out of the land and had no official standing, nor do I know what local terms were used to designate the two classes of land. If we want to analyse relations concerning land before the first Settlement, however, and we take the integrity of allotments as the characteristic feature of agriculture at the time, we cannot employ the term *shāmīlāt*, just as we cannot use the terms proprietor and tenant, except with caution.

In regard to the three main classes of land, allotments, commons and village site, it may be asked what privileges, before British rule, applied to all classes of land, the whole territory of a village, and what were restricted to one class or another. An explicit privilege of holding an allotment was access to uncultivated commons. But this could be viewed as only part of the business of agriculture or as only a matter of access, not of superior right to a say in how the commons were managed. It is not certain whether the holder of an allotment necessarily had a say in the granting of land on the commons in lieu of service or the assignment of a share of the produce from a particular plot on the commons — both apparently village powers, not exclusively powers of the ruling government — nor is it clear what privileges he had enjoyed with respect to the village site. A distinction of powers therefore suggests itself, the one relating to agricultural production and the sharing of common agricultural resources, the other more general relating to the location of cultivators on the land — and non-cultivators on the village site<sup>7</sup> —, the conversion of land to different use and the disposal of land generally. Such a distinction is unlikely to have been reproduced exactly by the legal categories introduced at the first Settlement of a district like

<sup>7</sup> Kaul's recent work on the management of common resources in the Panjab stresses controls over village residence (1992:400ff.). I am grateful to Dr. Kaul for letting me see a draft of this paper before publication.

Ludhiana, where proprietary rights were awarded to those who cultivated the land and where superior rights of ownership (such as those of *ta'alluqdār* and *a'lā mālik*) were not generally acknowledged. Here the award of property rights could be said to have unified privileges, at least as far as the commons and allotments were concerned, since all land except the village site was treated alike and all powers regarding its use were reduced to the single power of ownership.

If the holders of allotments, the shareholders in agriculture, used to enjoy distinct privileges from those who exercised overall control over a village's territory, the question arises whether the part given over to allotments would remain fixed over succeeding generations or whether from time to time it changed, as cultivators came and went perhaps or in keeping with a long-term system of fallowing.<sup>8</sup> As far as the district of Ludhiana is concerned in the middle of the nineteenth century, the high proportions of cultivated to cultivable land do not support such an idea. In the opinion of the 1853 Settlement Officer there was no more unoccupied land in the district available for colonization, let alone the abandonment of an old set of allotments for a new set on new soil.<sup>9</sup> But as part of the more general concern of how shareholding in agriculture had been reproduced over time, the question is important. In particular it has to be asked whether, before British rule, holdings had regularly been reallocated, with shares remaining unaltered, or whether share sizes too had been regularly readjusted according to the changing resources of cultivators; and if this was the case, at what level of organization reallocation used to be done (within a section or throughout the village), and whether any change in practice can be discerned during the decades before British rule as a result of which shares became increasingly stable and the boundaries of holdings increasingly fixed. The obvious care with which allotments were laid out to ensure that no shareholder had any

<sup>8</sup> Kaul (*ibid.*:397).

<sup>9</sup> Davidson (1859:9).



advantage of location over anyone else suggests that the purpose of regular reallocation (keeping shares fixed), if it occurred, could not have been to equalize holdings with regard to the quality of land. Equalization was effected synchronically rather than diachronically in this part of the Indo-Gangetic plain; the only places where holdings continued to be laid out afresh or reallocated annually long after the introduction of British rule were along the banks of the major rivers. On the other hand, within a section or shareholding group the readjustment of share sizes relative to each other involved the comparatively simple matter of altering widths at the top of strips in each block of cultivation and ploughing over the small ridges of earth between them. Flexibility could have existed at the level of the individual households forming a section or group of shareholders without disturbing the group's overall share in the village and its commitment to general demands. Here the limitations of the data are great, for after the initial land registration in 1853 wholesale reallocations of holdings were officially discouraged, except in alluvial villages — though one or two reallocations elsewhere in the district are known to have occurred between 1853 and 1882 —, whereas comparable records do not generally exist for the period before the 1853 Settlement. Nevertheless, for one or two villages of *pargana* Ludhiana between the Settlements of 1842 and 1853 there is evidence of such minor readjustments of shares within village sections. There is also more general evidence that shareholding could involve sub-shareholding if the agricultural population was still unsettled and someone was prepared to commit himself to a certain amount of cultivation and a certain quota of the general demand. The resources a person could bring to cultivation, determining his share, would here include his general command of labour. Indeed instances of sub-shareholding only reproduced on a small scale what sometimes happened in the formation of whole villages or village sections, where a single person agreed to pay a certain amount of revenue for a given area and arranged for its cultivation by importing cultivators and overseeing the allotment of land on shares

according to the cultivators' capabilities. In two villages where this occurred, close to the old cantonment of Ludhiana, those responsible for the revenue had taken a share in the allotment like everyone else, though they alone were awarded proprietary rights at the regular Settlement. In short, the system of organizing agricultural resources through shareholding could take different forms in different circumstances, and all forms were expressed within a general idiom of ploughs. But although shares represented individual capabilities, which necessarily changed over time, and although shareholding in agriculture would seem naturally more transient than the general control of territory, it seems definitely not to have been the case that shares were regularly reallocated as the capabilities of shareholders changed or the composition of the whole community altered. In alluvial villages, for instance, holdings were laid out afresh every year but the shares of shareholders remained the same. On the other hand, although holdings might not regularly have been reallocated (with shares unaltered) during the years preceding British rule, except along the river's edge, the variety of allotment patterns existing at the time of the first Settlement does suggest that reallocation remained within the vocabulary of shareholding. The language permitted reallocation, so to say, while circumstances only occasionally required it. The focus of attention has therefore to move from the individual household to the formation of shareholding groups and the nature of their corporate powers. Moreover, if shares were in fact becoming increasingly stabilized in the decades before British rule, it has to be asked what factors had sustained this stability, a pool of agricultural labour perhaps on one side while, on the other, the absence of a superior class of landholders exercising general control over territory.

In a few of the older villages of the locality traces can indeed be found of a distinction of powers over the land between different residents of the village. But contrary to what might be expected, this corresponded to distinctions within the group of shareholders or allotment holders rather than between, say, the group of shareholders, on the one



hand, and a second, distinct group of non-cultivating residents, on the other hand. Only in some of the urban estates of Ludhiana town were there landowners who took no part in cultivation. Yet in these urban estates there is nothing to suggest that the cultivators had ever organized agriculture collectively amongst themselves through shareholding, independently of the landowners: plots were not laid out systematically but were held piecemeal; holdings were reckoned in standard units of area rather than in ploughs. Elsewhere, throughout the locality, there was scarcely anyone who was acknowledged as a landowner at the time of the first Settlement who did not cultivate plots of his own, for the most part within a setting of allotments, and there was almost no one who was a shareholder in more than one village. Three villages of the 84-village sample had resident *jāgīrdārs* (revenue assignees) who also owned land there; but their ownership of land was a result of their having settled in the village after being granted the revenue assignment, and the powers of *jāgīrdārs* with regard to territory, being delegated sovereign powers, must be treated separately from powers arising from long occupation of land. Under British rule a *jāgīr* normally entailed no privileges with regard to territory beyond the receipt of the government revenue. Moreover in only one of the three villages were the *jāgīrdārs'* holdings integrated with the holdings of other cultivators. Generally speaking, throughout the locality at the time of the first Settlement the highest class of residents with recognized powers over the land existed among the allotment holders, not among other village residents.

In order to make out possible distinctions of status or of powers among the holders of allotments, we have to read through the distinctions established at the first Settlement when property rights were awarded, for in principle there is nothing in the lay out of strips except their relative size which can reveal a difference. An alternative source to the land registers is the household census which was conducted as part of the first Settlement and which classified householders by caste and by occupation. But although the

census confirms that there were no village residents with an interest in land superior to that of the registered landowners and although it reveals the existence of a substantial body of people throughout the locality who possessed the means of cultivation, in the form of ploughs and plough oxen, but who were not registered in the formal Settlement records because they were not the holders of specific plots of land so much as partners of registered cultivators, it does not show much about the internal contours of landowners as a group. Incidentally, these landless cultivators comprised about 10% of the village population and their presence may be related to the issue of stabilization of shareholding systems in agriculture during the first part of the nineteenth century when the town of Ludhiana had been expanding. Another 10% consisted of general labourers without a specific trade (though by caste they were mostly classified as leather-workers) and without either the means or the status to cultivate in a negotiated partnership with a landholder. And a further 10% consisted of specialists in trade or service. These proportions have to be borne in mind when comparing the agrarian structure at the time with peasant systems in other parts of the world.

Returning to the allotment holders, a priori there may well have been gradations of status amongst themselves, either because they belonged to different castes or different descent groups, or because some were agnates and others affines, or simply because the colonization and occupation of territory was nowhere a static affair. Moreover, if the allocation of shares was at all political, in the sense mentioned above where the resources a person brought to cultivation included his general command of labour, some degree of subordination might be anticipated within shareholding itself. On the other hand, how could any inequality of status be reconciled with the apparent equality implicit in fair-share allotments? It might have been expected that participation in an allotment would have overridden distinctions of status and that, reflecting this, allotment holders would all have been awarded proprietary rights at the first Settlement, with their measure of ploughs



becoming their share in the common property of the village. This is certainly what happened in the majority of villages in the locality, among which were some villages which admitted to having been colonized gradually, the process culminating in an equalized allotment, but where no gradation of legal status was put forward or recognized when rights were awarded, except in the selection of which families supplied the headmen. At the same time, however, there were also villages which admitted to a similar process of gradual colonization, where the cultivation was all in fair-share allotments yet where distinctions between allotment holders were translated into different legal categories, some being made proprietors, others only tenants. However much one may question whether official procedures or the new classification of rights were understood by the people — the Settlement Officer himself voiced doubts on this score<sup>10</sup> — the award of rights was after all a judicial affair which operated through people, requiring public attestation of registers at each stage of their preparation and the hearing of disputes; it was not a matter of simply fitting the official grid of classification over whatever historical facts could be established or whatever could be observed independently from facts on the ground. The procedure of identifying who should be made proprietors did not start from the lay out of the land, as we are able to do in reverse, but from those people known as the principal revenue-payers (*ṣadr mālguzār*), proceeding outwards from them through kinship to whatever circles of co-partnership could be agreed upon, before ever fields were measured and field maps prepared. Among officials of the period the lay out of allotments seems not to have counted as evidence for anything very much, if indeed it was noticed. Facts lay more at the conjunction of other people's opinions than in correlations between independent observations. It is not therefore surprising that distinctions among those we are able to call allotment holders were sometimes translated into distinct rights of tenure.

<sup>10</sup> Davidson (1859:64).

The situation in one particular village will illustrate the kind of distinctions between allotment holders that suggest a duality of privileges with respect to the land. This was a village whose lands straddled the ridge overlooking the old course of the river Satluj and which claimed to have been founded in the twelfth century by the ancestor of the Rajput proprietors, who in 1853 owned 3/5ths of the village in three sections (*paṭṭī*). According to the village history prepared with the genealogy of proprietors at the 1882 Settlement, the Rajputs had been forced by the local ruler at the turn of the nineteenth century to allow 2/5ths of their land to be colonized by several families of Gujars (another agricultural group found in much of the Panjab and associated in some areas with pastoralism). Allotments had subsequently been laid out in such a way that both at the sectional level and at the level of individual shareholders holdings were uniform in quality. But in two of the three Rajput sections there were substantial proportions of allotment holders who were awarded only rights of tenancy at the first Settlement, in each case the tenancies existing within the section's common property holding (*shāmīlāt paṭṭī*) which was owned jointly by the more privileged shareholders who had been awarded proprietary rights. As far as social composition is concerned, the distinction between the two classes was clear: the tenants belonged to different groups, a few being Rajputs like the proprietors though from different clans (including one person related to the proprietors through his mother), whereas the proprietors were all agnates from one local descent group; and while some of the tenants claimed that they had been cultivating in the village for eighty years before 1853 — from the time of the great famine of 1783 (*"san chālīsī"* or *Sambat* 1840 according to the Vikrami calendar), when many of the surrounding villages dated their foundation and incidentally long before the allotment could have been laid out — the proprietors claimed descent from the original founder of the village. As far as the lay out of strips is concerned, however, there was nothing to distinguish one class from another. In each block of a section's allotment the tenants' strips were intermingled with



those of the proprietors in a random order, not forming a sub-block on their own. In other words all shareholders had been treated equally at the time of the allotment, although at the Settlement some were made tenants, others proprietors. Moreover these were sections where all the shareholders, including those awarded only rights of tenancy, had combined on the same shares to build masonry wells for irrigation. Here then is the clearest disparity between the old shareholding and the new. For whereas in the old system all shareholders, whatever their origins, had participated alike in the business of agriculture, under the new regime only the shares of proprietors were registered and only proprietors had any rights in the commons. A proprietor's measure of ploughs became his share in the common property of the section and hence his "measure of right" (*paimāna-i haqqīyat*) in the whole village estate, while a tenant's measure of ploughs passed into oblivion along with whatever rights had been associated with it. This incidentally is where *shāmilāt* meaning common property — here including the tenants' allotments — diverges most obviously from what I have called the commons.

Two further points should be stressed in this example. Firstly the proprietors' shares, expressed in ploughs, were quite different from shares calculated by rules of inheritance from the position on the family tree. Since there was nothing on the ground to distinguish proprietors' allotments from those of tenants, descent was clearly taken as the basis of title to land at the first Settlement. But proprietors' shares derived from a quite different principle, representing productive capabilities within a wider grouping which had included people who were not made proprietors and whose shares in the new system after Settlement were no longer of any account. The contrast between 'ancestral shares' based on descent and shares based on productive capabilities — or on some other 'customary' principle — was an issue of vexation for officials elsewhere in the Panjab who sometimes went out of their way to revive ancestral shares, no doubt partly because ancestral shares married what was supposed to have happened in the past with what was designed to

happen in the future through inheritance, all land, even waste land, now being property subject to defined rules of transmission. The different modes of determining shares were generally imagined on a single continuum, with customary modes being considered the result of a breakdown of pristine ancestral shares, not something which related to a different aspect of land tenure that could possibly coexist with more general privileges determined by descent. Even Baden-Powell, who did argue that customary modes were independent of ancestral shares and were typical of 'colonist associations', could not transcend the bias of a unified notion of property. What the present case seems to show, however, is that, before the first Settlement when land was registered as private property, different principles had governed distinct privileges with regard to land. Membership in one kind of body, a local descent group, had not excluded simultaneous membership in another kind of body, that of a shareholding group organized tightly around the business of agricultural production, with shares based on the productive capabilities of individual members. While the former had entailed general privileges regarding the control of territory, including the privilege of being able to re-engage in agriculture after a few years' absence, the latter had determined access to all common agricultural resources and contributions to general demands. It was not denied by British officials that under previous regimes many cultivators had participated in the apportionment of revenue demands who were not awarded proprietary rights at the first Settlement. But this was considered a result of the severity of those regimes' demands, which had levelled distinctions between the agrarian classes, distinctions that were now restored by the action of Settlements. Shareholding under the British regime of absolute landed property was ideally based on descent. The Genealogy of Proprietors, preserved among a village's records in the Revenue Records Room of a district, was the true model of the new village community, not the pattern of allotments on the ground.



The second point to note from the example is that each component strip in a holding now had fixed boundaries and, for the proprietors, was separately and partially negotiable. At the same time, again only for proprietors, the share which had determined the relative size of the whole holding became the measure of right in the common property of the section or the village. I do not want to discuss here the muddle over transactions in fixed parcels of land with or without a corresponding share in common property, that was later to make registration so obtuse. Transactions were never in shares — as for example in parts of the Ottoman empire after land had been registered in the names of individual cultivators towards the end of the nineteenth century<sup>11</sup> — but in discrete plots of land which notionally were defined by reference to an international grid. Shares in common property derived from ownership of individual holdings, according to official understanding in the Panjab, not the other way round.<sup>12</sup> But the issue should still be raised whether registration at the first Settlements in the Panjab could not have been effected within the parameters set by the British administration, without collapsing the distinction between shares in common property, based on one principle, and shares in common resources based on a different principle corresponding to the size of individual holdings. Never mind that a holding was no longer conceived as a share in every type of land: property in land required the idea of physical occupation of fixed plots. Never mind also that the village system of land revenue administration, as it was established in the Panjab by the British, required there to be holdings of common property, for which in turn shares had to be registered. The issue is whether, at the first Settlement in villages where there was any duality of privileges, shares in common property could have been registered as based on descent, while shares in

<sup>11</sup> See p.379 for details.

<sup>12</sup> "The right to share in the village *shāmilāt* is an incident attaching to the right of property in the village, and that alone" (P.R. 1868, quoted in Ellis 1917:296.)

common resources or the use of commons — land lying within a common property holding — could have derived from the same principle that had governed the allotment of land for cultivation.

In the present instance, the point to draw out is the contrast between the blocks allotted to each Rajput section and the strips allotted to each shareholder within a section, fair-share allotments at both levels.<sup>13</sup> Each block now consisted of some strips held by tenants, which were the common property of the proprietors, and some strips owned by proprietors individually, all in a random order. But as a whole, each block formed a unit in a fair-share allotment between sections, just as each strip within a block formed a unit at the level of individual allotment. Two levels of right might then have been inferred, the upper level (of blocks) relating to proprietorship and the lower level (of strips within a block) relating to tenancy or agricultural production. The individual holdings of proprietors could have been treated as tenancies, like those of the actual tenants.<sup>14</sup> In terms of orders of legal reversion it is not fanciful to think of the blocks allotted to each section as its common property; for in the event of failure to pay revenue or rent, failure of heirs or abandonment of a holding, reversion for both tenants and proprietors was ultimately to the section as a whole, the common property of its proprietors. If at the first Settlement each block of strips had been declared the common property of the section concerned, shares in common property could have been based on one principle, like descent, while the holdings (as

<sup>13</sup> See the field maps facing pages 148 and 150.

<sup>14</sup> Barkley mentioned this possibility in his paper "Tenures in the Punjab" published with the Punjab Administration Report of 1872-73 (quoted in Tupper 1881 iii:129): "In some cases (technically known as zamindari tenures) ... all the land is in common; and what the proprietors themselves cultivate is held by them as tenants of the community. Their rights are regulated by their shares in the estate both as regards the extent of the holdings they are entitled to cultivate, and as regards the distribution of profits." But the holdings of non-proprietary tenants were no more regulated by shares in this case than in the more usual cases that I discuss.



tenancies) of both proprietors and tenants within the section could have been based on another principle, here expressed in ploughs. The right of a proprietor to call for the partition of common property on the basis of proprietary shares would not necessarily have affected the lay out of tenancies allotted on other principles, as I shall shortly give an example to show. Moreover, the usual conditions laid down in the village administration paper (*wājib-ul-'arṣ*) concerning the use of common property could have specified the wider group of allotment holders (shareholders in agriculture) as those who shared access to common resources, without this affecting the more exclusive proprietary rights to partition or otherwise dispose of the commons, treated as property. This would have preserved something of the rationale to the original allotment of land within the whole group of cultivators in a section, tenants as well as proprietors, and something of the holistic distinction between the group of proprietors, defined by descent, and the group of cultivators, defined by their common investment in agriculture.

It is not my purpose to speculate on what might have happened in the past had conditions in fact been different. But there is no doubt that the land registration initiated at the first Settlements involved a major change in the way land was conceived. Trapped within the official categories of landed property was a prior dual conception of rights to land. It is for this reason I have tried to bring out contradictions in the official attitude towards shareholding and in the way land was registered. Lest this analysis seem too speculative, I should add that a village administration paper was drafted in 1848 for another village in the locality shortly before Settlement proceedings had commenced in the district as a whole — before the stereotype form of the *wājib-ul-'arṣ* had been set for general use — in which a distinction was made between shareholders in the village estate, here termed *hiṣṣadār* (literally shareholder), and shareholders in agriculture, who were termed *halwālā* (plough-holder) and who included both tenants and proprietors. I shall be analyzing this paper in detail in Chapter 6; for the moment it is enough to say that almost

all the provisions concerning shared common resources and common burdens contained in the standard *wājib-ul-'arṣ*, where they related to *hiṣṣadārs* (that is, to proprietors alone), related in this paper to the *halwālās* (including therefore both tenants and proprietors), excepting only the right of sale. As one clause went, "The *halwālās* manage all profit and loss in the village (*jo nafa' nuqṣān gānw meṇ howe to us ke sab halwāle mālik haiṅ*).” The fact that this paper was superseded within a short period by the standard *wājib-ul-'arṣ* does not detract from its value in showing that a distinction could be made in Settlement records between one level of shareholding and another. Thus the question of whether a formal distinction was possible within the parameters of registration set by the British government becomes instead a question of practicality or of specific changes in administrative direction. Having uncovered the structure of possibilities the focus can shift to ask why some were realized but others not.

A second point of contrast is that in one of the urban estates referred to earlier, which was owned by Saiyids, the way in which land was divided up amongst the body of proprietors was quite different from the way it was divided up amongst the cultivators. The cultivators here included a few proprietors but these proprietors cultivated only as tenants, not on their own land. This is similar to the possibility conjectured in the example given above, of the Rajput proprietors being registered as tenants within an undivided common holding of their whole section. However, unlike the Rajput case where all proprietors cultivated their own individual allotments, which it must have seemed natural to register as their private property at the first Settlement, only a small proportion of the landowners in this urban estate engaged in cultivation; and the plots were not laid out in allotments in a systematic way nor were cultivators' holdings reckoned in shares. There could thus be no question of the landowners' shares in the common property of the urban estate being abstracted from shares in agriculture reckoned in ploughs. Besides, the cultivators in the urban estate could not be said to have formed a



shareholding group which had organized itself corporately around the business of agriculture, for they held their plots piecemeal and they were drawn from a large pool of agriculturalists living in Ludhiana town. Instead, landowners' shares in common property were registered on the basis of inheritance from two founding ancestors who were said to have been granted the land revenue-free by the emperor Jahangir as endowment for a religious institution in the town of Ludhiana where the landowners now all lived. Moreover, unlike every other estate in the entire locality, these landowners included many people who had inherited shares through daughters (mostly where the daughter was the only heir) of whom some had married other members of the descent group: for instance one female landowner was linked to other landowners on the genealogy through her father, her mother's father and her father's mother's father, while she was married to an agnate who was linked through both his father and his mother. It is tempting to correlate this unusual situation with three other factors: one, the low proportion of landowners who engaged in cultivation, which in turn seems related to the lack of correspondence between the way the cultivated land was divided up amongst landowners and the way it was divided up amongst cultivators; two, the absence of revenue obligations for the previous two hundred odd years; and three, the fact that virtually everyone registered as a landowner in 1853 can be traced in the contemporaneous household census as a householder in a particular quarter of Ludhiana centred on the endowed tomb and monastery (*khānqāh*), though it is not possible to say how many other householders in the quarter might have been related to the descent groups in some way not recorded on the 1882 genealogy. This last factor correlates landownership with local residence, since links as far away as Bihar were mentioned on the genealogy for those who had forfeited a share in the estate; and this in turn suggests that the interlocked families or local descent groups had had their own rules for continued enjoyment of privileges by their members, possibly in a personal *waqf*, though again this is not something which can be confirmed

from the revenue records of the first Settlement, which gave evidence of previous government exemptions from taxation but not of particular legal provisions such as those contained in a *waqf*. In comparison with the Rajput example, however, the urban Saiyid example shows that shares in land could be entirely unrelated to agricultural production and could devolve over many generations through a less rigidly patrilineal form of inheritance than usual; but that this possibility was realized only in an urban estate where the descendants did not generally engage in cultivation, the cultivators could be drawn from the whole town and had no corporateness, and agricultural production remained untaxed.

One corner is still missing from the reconstruction we have attempted. There is no case in the locality where fair-share allotments explicitly reckoned in ploughs combined with a landowning family whose shares in the territorial estate of the village were based on descent. The nearest we come to it is in a section of one of the villages next to the old cantonment already referred to, where the field map shows a systematic allotment of land amongst cultivators, and the areas of holdings clustered around multiples of a particular value as if based on shares. The three landowners consisted of two brothers and their unmarried sister, holding their section of the village estate jointly in equal shares, with the men each having a separate (and unequal) allotment within the undivided holding. But for an explicit record there is only a hint in a marginal remark about rates of rent that holdings were in fact reckoned in ploughs. At this point using the categories of tenant and proprietor instead of *halwālā* and *ḥiṣṣadār* seems almost natural. The landowners had been awarded the proprietary title of their section because they had been prepared to pay revenue in cash and because they had taken responsibility for organizing cultivation, as a result of which fresh allotments were laid out at about the time of the Settlement in 1842. Minor inconsistencies in the award of rights are still apparent. Although there was nothing to distinguish one allotment from another and the cultivators belonged to an assortment



of castes, some allotment holders were awarded hereditary rights of tenancy as what were called occupancy tenants (*muzāri'an maurūṣī*) whereas others were made tenants at will (*muzāri'an ghair maurūṣī*). The basis for this legal distinction, which was general in the North Western Provinces and the Panjab at the time, was the supposed duration of their occupancy before 1853, twelve years being the threshold to the superior right; but according to the register many of the tenants affirmed at the 1853 Settlement that they were tenants at will even though they had been cultivating for a longer period than twelve years. In any case, the greater contradiction remains that no official recognition was given to the principle on which the allotments had been laid out nor to the corporateness of the cultivators as a group. It would surely have been feasible to write clauses in the *wājib-ul-'arṣ* in favour of the *halwālā*, had the political will existed, local observation of facts on the ground been more acute and the scale of labour required to put such a measure into practice, against the trend of bureaucracy, not proved inhibitory.

It should be emphasized again that, contrary to the three examples given above, in most villages of the locality where there were fair-share allotments the allotment holders were usually all made proprietors at the first Settlement. In only a few villages were some allotment holders awarded rights of tenancy instead of proprietary rights. But it is these cases which throw most light on the administrative context in which all awards were made: on assumptions about the nature of landed property behind the form of registration, on the official understanding of local tenures and on Settlement procedures generally. They also cast light on the historical context of agriculture in the locality. Before closing this exposition, a brief remark should be made about both these aspects, beginning with the historical aspect. To summarize the argument, two levels of privilege can be discerned with regard to the land in one or two of the older, predominantly Rajput, villages: the level of production, at which common agricultural resources were shared amongst cultivating units on the basis of their individual resources,

and a more exclusive level at which the overall control of territory was exercised and which, in the first instance cited, concerned descendants of the original founder of the village grouped into three equal sections. Those who belonged to the upper level might also participate in the business of agricultural production at the lower level, on the same basis of shares as everyone else; but it was not necessarily so, as the second example of the Saiyid urban estate suggests. In any case there was no higher level of privilege among residents of a village regarding village land. Those who held isolated plots on the commons were beneficiaries of the upper level of privilege within a village, which exercised powers over how the commons were to be used; they were not part of the lower level of production in revenue-liable allotments. There were also other residents who could claim a share of the produce of cultivation (often at a rate of so much per working plough), ranging from labourers and artisans, who were bound to the shareholding body through a system of service known to sociologists as the *jajmānī/sepīdārī* system, to landless farmers who possessed plough-oxen but were not responsible for any share of cultivation on their own. Although these have a place in a fuller analysis of agrarian relations, of internal village government and of the utilization of common resources not directly connected to the land, they did not have a say either in the business of agricultural production or in the control of territory.

The two levels of privilege regarding the land may usefully be thought of in the terms suggested by Gluckman for Africa, estate of administration and estate of production.<sup>15</sup> This opposition was formulated for a different social context – what was considered tribal – in regard, I believe, to wider expanses of territory, less productive agriculture or a less dense settlement on the land. But firstly, the word estate does convey a sense of corporateness, which was undoubtedly strong in the present context; and secondly the opposition between production and administration conveys

<sup>15</sup> Gluckman (1965:91-2); also Firestone (1990:115).



the correct order of distinction between the *halwālā* and the *hiṣṣadār*. Moreover, the articulation between estate of production and estate of administration, as envisaged by Gluckman, allowed for the division of estates as well as the multiplication of levels through what was likened to the process of subinfeudation, again something that one has to take into account in connection with tenures in India. On the other hand, Gluckman emphasized this process in relation to estates of administration whereas in the present context it would be necessary to consider also the complexities of incorporation and subordinate shareholding within estates of production.

In the majority of villages in the locality where the holders of allotments were made proprietors at the first Settlement there was no obvious difference between an estate of administration and an estate of production, at least not in personnel. Shareholders in an estate of production were confirmed as shareholders in the corresponding estate of administration or, to use different terminology, as coparceners in the village estate. On the other hand we have seen that in some of the older villages Gluckman's distinction has some validity, and a similar residual distinction was general in relation to the commons. The use of common resources was generally distinguished from the granting of land on the commons for a particular purpose. From the historical point of view, therefore, the question arises whether a general levelling of privileges had not already been occurring in the century or so before British rule, corresponding to the period of the rise of Sikh powers in the Panjab. Had the more stratified model of village organization present in the predominantly Rajput villages in 1850 — those villages claiming the most ancient foundation — been more prevalent in the past? Did the system of organizing agricultural resources through shareholding, typified by fair-share allotments, have a place within all kinds of village government, or should one look for reasons why and when such a system became the dominant mode and principal feature of village government? When extrapolating backwards from what can be deduced from the

records of the first Settlements, care must be taken not to take on implicit assumptions of British rule concerning land revenue or government. For instance, the village administration papers (*wājib-ul-'arṣ*) which were drawn up at the first Settlements are silent about procedures for settling disputes within a village, although there had surely been such local institutions beforehand and a knowledge of their working would have an important bearing on the wider powers shareholders had enjoyed in village affairs. Similarly, because government taxation of villages was concentrated on land revenue during British rule, and as a result the collection of other dues like the house-tax, grazing dues or a tax on weaving became village prerogatives, it should not be assumed that a similar division between local taxation and government taxation had obtained under previous regimes. The stress on local idioms of agriculture in my analysis is partly to enable one to visualize a different kind of articulation between village and ruling power, with greater scope for a village to make its own internal arrangements for meeting demands, in its own idiom.

We are on firmer ground when considering the administrative context of how shareholding was instituted in the British revenue system. Enough has already been said to make the outline of the transformation clear. To summarize the key elements, the Panjab adopted the 'village system' of periodic land revenue Settlements which had been developed in the North Western Provinces after 1822. This system stood in contrast both to the system which prevailed in the Madras provinces, where the government made annual engagements directly with individual cultivators (*ryot* or *ra'īyat*) bypassing any village corporate arrangements, and to the system established in Bengal of permanent Settlements with landlords (*zamīndār*) of estates comprising perhaps many villages or fractions of villages. In the Panjab the village (*mauza*) was the unit of land revenue administration. This meant that (1) assessments covered all the lands of a village, cultivated as well as uncultivated, within boundaries which had to be predetermined; (2) a demand was set for the whole village for a certain set period



(thirty years) and was then apportioned amongst those identified as proprietors according to the system of tenure prevalent or in whatever way could be agreed upon by the proprietors collectively; (3) the village was corporately liable for the revenue demand, in ways that were laid down in the *wājib-ul-'arṣ*, in the case of individual failure, while individual proprietary units were liable for their own portion of the demand. Shareholding thus entered into both apportionment and joint liability. In terms of property too, all the land within a village's boundaries had to be registered as the property of some unit or other: land that was not held by individual proprietary units or by particular combinations of proprietary units jointly was deemed to be the common property (*shāmīlāt*) of all the proprietors of the village or of a village section. Shareholding related to common property. Finally shareholding also related to contributions towards village expenses, to demands by the state for labour (*begār*) and to all other aspects of collective management of village affairs, as recorded in the *wājib-ul-'arṣ*. The *wājib-ul-'arṣ* was the vehicle of corporate village management, while the shares themselves were recorded in the register of proprietary holdings. In principle the same shares governed all aspects of shareholding. But it was open to proprietors to apportion the revenue demand in any way they felt appropriate — according to the relative area of their holdings, say — rather than according to the shares recorded in connection with the partition of *shāmīlāt*; and this option became more frequent as the volume of land sales rose, in order to preserve the fairness of apportionment. Indeed 'customary' shares might not be recorded at all in some villages, particularly where land had never been laid out systematically in allotments or where the allotment system had broken down. In such cases, the 'village system' of land revenue administration still required joint liability, apportionment of the revenue demand to individual proprietary units, shares in common property and collective management of village affairs. But the 'shares' would here be artificial, in the sense of not being expressed in a local

idiom but simply calculated from the relative area of holdings.

The Governor General of India's injunction to the Board of Administration for the Panjab, when it was set up in 1849, to "uphold Native institutions ... [especially] village coparcenaries ... in all their integrity" expressed the ethos of the Panjab revenue system in regard both to the village as administrative unit and to a second key principle, that local ways of doing things should as far as possible be retained. Officials had been encouraged after 1822 not to be confined to their courts and offices but to go out into villages and investigate local customs, particularly those concerning land tenure. One may question how widely this was done and how quickly new information became new orthodoxy. But we would not be discussing the idiom of ploughs one hundred and fifty years later if this second principle had not also been incorporated into Settlement procedure. The *wājib-ul-'arṣ* was the embodiment of the principle. Shareholding was singled out as an institution to be actively maintained.

As we have seen, however, it was not the same shareholding. The holder of an allotment, the shareholder whom generically we would call *halwālā*, might be awarded only rights of tenancy rather than proprietary rights, in which case his share would usually cease to exist.<sup>16</sup> The shares of those who were made proprietors, on the other hand, would become the measure of right in common property and the measure of obligation to the village community — now defined in terms of property.<sup>17</sup> In most

<sup>16</sup> In villages subject to the direct action of the river, a tenant's share might continue to be registered even after 1882, but it would relate only to the size of his holding, not to a share in commons: "The question of his sharing in the division of the ordinary 'shāmīlat' must be kept distinct from this rule, which would only entitle him to have his holding brought up to its size at the time of attestation of rights in the Regular Settlement" (Walker 1885:87). See page 249, footnote 13.

<sup>17</sup> "A village community is a body of proprietors who now or formerly owned part of the village lands in common, and who are jointly responsible for the payment of the revenue" (Douie 1899:para.126).



cases a tenant who had previously been counted as a shareholder would continue to cultivate the same holding; and his rent might well remain a proportion of the revenue, though this would now be calculated from the relative area of his holding rather than on the basis of his share, which no longer existed (never mind that his holding had originally derived from a share). But when it came to extending cultivation into the commons, say, such a tenant would find that he no longer had a right to any new land. In other words, discontinuities in the transition to a new system were masked by the apparent continuities of occupancy and even of contributions to common demands. As for the official view of the transition, in the long debate about tenancy in the mid-1860s which preceded the first Panjab Tenancy Act of 1868 the focus was largely on the question whether any tenants had previously enjoyed security of tenure or whether landowners had had the right of eviction, not on the principles which had formerly governed the organization of agricultural resources.<sup>18</sup> It was admitted that tenants had been included in the apportionment of revenue demands but this was considered a result of the oppressiveness of former regimes. The apportionment of revenue was not considered integral with the allotment of land, for where would that have left the sanctity of private property in respect of shareholders who were made proprietors?

For those allotment holders who were made proprietors continuity was that much greater since it was usual for their shares, expressed in ploughs, to be taken as the measure of their right in common property, and these proprietors remained shareholders in the new system. But it was a new system in a new idiom, no longer centred symbolically on the plough. The status of proprietors as shareholders, with a share in common property and a say in the management of village affairs, did not depend upon their former shares being recorded in ploughs, for shares could be calculated artificially from the relative area of holdings. The form in which shares were expressed became incidental: a share was

<sup>18</sup> Panjab (1869).

a *ḥiṣṣa*, the shareholder a *ḥiṣṣadār* or simply 'owner with a share in common property' (*mālik ma' ḥiṣṣa-i shāmīlāt*); if the share happened also to be expressed in ploughs then this might be an indication of the strength of local custom but had no legal consequence. Moreover the continuity hid an inversion, for a share was now an attribute of a holding, not the determinant of a holding's extent and form. Holdings were defined by the location and dimensions of their constituent plots, each part of which was negotiable separately, whereas fractions of shares could only be transferred along with the transfer of specified plots. To put a seal on any surviving tendency to think of land in shares, any portion of an allotment could also be sold simply as a piece of land without a corresponding share in common property; and this inevitably led to further devaluation of shareholding in an independent idiom and further disassociation between shares and the form and extent of holdings. At the first Settlement the only people to be awarded proprietary rights without a share in common property were holders of isolated plots on the commons who were exempt from paying revenue. But when the volume of land sales started to increase after the 1860s the class of proprietors who did not have a share in common property, called *mālik qabḍa*, also increased, and with it the importance of the distinction between those with a share in common property — members of the village community, newly defined — and those without. In the ideal conception now, a village community was defined by descent from a village founder, and if shares were reckoned in a customary mode the regular devolution of shares by inheritance must at some time have been interrupted by extraneous circumstances forcing the adoption of 'customary' shares. Having a share in common property was considered the sign of superior status in a village, as member of the ancestral core of proprietors whose genealogy and history were now matters of official record. In keeping with this vision, legislation was eventually passed restricting sales of land to members of notified 'agricultural tribes'. From our point of view, however, the interest lies in changes of emphasis



towards different aspects of land tenure. Shareholding in the business of agriculture, forms of cooperation based on investment of individual resources or what could be called contractual relations to one another, the principles governing the organization of common agricultural resources — these were of no account. Instead, the emphasis was on holding shares in common property and on the unchangeable statuses defined by tribe and descent. Instead of the *halwālā* being the core of the agricultural community, with the *ḥiṣṣadār* being more privileged (whether he was a *halwālā* or not) and the holders of isolated plots on the commons being dependants of both, the *ḥiṣṣadār* now represented the core of an ancestral community of proprietors enjoying rights in common property, the *mālik qabza* represented atomized property in individual plots, without a share in common property or a say in the management of village affairs, while the tenant enjoyed neither an individuated privilege of property like the *mālik qabza* nor any privileges defined by community membership like the *ḥiṣṣadār*.

### 1.3 Preview of chapters

I have presented the argument in the foregoing section as if there had been first hand accounts of how shareholding was practised during Sikh rule and we had then been able to observe the effects of land registration through the records of the first British Settlements. This is however the reverse order from that of analysis. The picture of agricultural shareholding in the idiom of ploughs has been reconstructed by first analysing the Settlement records of a locality synchronically and then extrapolating backwards. The following chapters take the latter course, proceeding at a gentler pace though I fear with no less attention to detail.

The chapters divide into two parts. Chapters Two to Five concern the deconstruction of the official categories of land holding, Chapters Six to Eight the reconstruction of the village idiom of shareholding. A concluding chapter rounds

off the discussion by looking wider afield for comparative examples, by placing shareholding in the broader context of village government and by attempting to address the question of what the Settlement Officer of Ludhiana in 1853 in fact knew of local idioms or the details of organizing agriculture within the district.

In Part One, Chapter Two provides the initial background to Settlement policy in the Panjab and sketches the particular history of the locality of Ludhiana studied. Chapter Three considers the social composition of the locality and describes how different local functions were treated at the first Settlement which were not directly concerned with agricultural production: revenue assignments (*jāgīrs*), revenue-free grants (*mu'āfi* holdings), village accountants (*paṭwārīs*) and village shopkeepers. Chapters Four and Five then analyse in detail the patterns of land holding in the locality, first those of the proprietors, then of the tenants and of farmers who were not registered in any formal capacity at the first Settlement since they were not responsible for cultivating distinct plots of land. The formation of shareholding groups occupies the main focus of Chapter Four.

In the second Part the official categories are put aside and attention is directed more particularly to shareholding and the idiom in which shares were expressed. Chapter Six first gives the background of how shareholding was officially viewed in the Panjab in relation to land-ownership; but in the second section I analyse how shares were treated in one village between 1848 and 1882, since it was for this village that an agreement concerning village affairs was drafted in 1848 recognizing the plough-holders (*halwāle*) as those corporately responsible for the "profits and losses of agriculture", independently of whether they were proprietors or tenants. Chapter Seven goes on from there to analyse the idiom of ploughs in villages having different forms of tenure. Finally Chapter Eight looks at one or two outstanding issues concerning the reproduction of shareholding over time.



## **Part I**

**Deconstruction of official categories of  
landholding**



## Chapter 2

### Historical context

#### 2.1 Ludhiana in the first half of the nineteenth century

Loodianah — once (before the Sutlej war) the strange gathering place of all nations; the Gibraltar of the East, where Jew and Gentile, outlawed Europeans and refugee Asiatics; swindling Bengalees and cut-throat Affghans, all adventurers of every tribe and language were gathered together on what was then the borderland between the strong Government of the British on the one side, and that of the old Punjab Lion on the other; but now a deserted village, decked in a deceitful green, — the garment of malaria, — abandoned by the garrison which could not live there, and given up to fever and two Civilians. (Anon. 1856:447)

Written in 1856 the above remarks may introduce the area and period of our study. When rivers could still serve as international boundaries, even rivers whose annual changes of course might throw up easily disputable alluvium, Ludhiana had enjoyed a brief period under the political spotlight. The treaty of 1809 between the British East India Company and the “Lion of the Panjab”, Maharaja Ranjit Singh, had defined the Satluj as the southern and eastern limit of Lahore’s sway.<sup>1</sup> Although Lahore retained jurisdiction over some territory south of the river, local rulers ‘cis-Satluj’ (the region between the Jumna and the Satluj, or rather between Delhi, the seat of the powerless

<sup>1</sup> Sethi (1950:7).



Mughal emperor, and the Satluj) were henceforth deemed under British protection. Ludhiana, lying on the Grand Trunk Road on the banks of an old course of the Satluj, was chosen as the frontier garrison. Its fort was repaired; land was leased for a cantonment; trading rights were secured in the town; an Agency was established. Gradually the importance of this Agency increased, in proportion to the extent of British involvement west of the Satluj and beyond the borders of the Panjab: with Kashmir to the north, with Sind to the south, and especially with Kabul to the north-west.<sup>2</sup>

For a period of eight or nine years, during the 1830s when Wade was Agent, Ludhiana made the most of its geographical position. The Agency itself was upgraded to a full Political Agency, subordinate only to the Delhi Residency, no longer to Ambala. Trade was now extensive: there was a large colony of Kashmiri weavers and a sizeable grain market; there were several bankers whose credit extended into the Panjab and beyond; there was even talk of opening a trade route down the Satluj from Ludhiana to the Indus. There was also a school, which Wade hoped would rival the Delhi College; and in 1836 the American Presbyterian Mission set up a centre which was to publish the first Panjabi-English dictionary in 1854.<sup>3</sup> It was during the 1830s that Ludhiana became the residence of the deposed Afghan king Shah Shuja' and his retainers. It was also during this period, in 1835, that the British East India Company first acquired territory of its own around Ludhiana. *Parganas* Ludhiana and Bassian, in all some 80 villages, were acquired by escheat following the death without male issue of one of the cis-Satluj rulers, Jind, these *parganas* supposedly not having formed part of Jind's ancestral possessions but been given to Jind by Ranjit Singh shortly before the 1809 treaty.

Although the Satluj remained the border between the Panjab and the British protected territories until the First

<sup>2</sup> For this historical sketch I have used general sources, including Bal (1971), Cunningham (1849), Davidson (1859), Sethi (1950) and Suri (1970).

<sup>3</sup> Webster (1976) and Jarvier (1854).

Sikh War in December 1845, Ludhiana's fate as anything more than a district headquarters was sealed by the death of Ranjit Singh in 1839. Under Maharaja Ranjit Singh the Panjab had been a strong and independent state, a buffer that allayed British fears of Afghan militancy. With Ranjit Singh's death those fears returned. After the British defeat at Kabul in 1842 the eventual annexation of the Panjab by the British seems through hindsight to have been inevitable. At the end of the First Sikh War the border was pushed one river further west to the Beas. Lahore possessions, both cis-Satluj and trans-Satluj in the Jullundur Doab, were annexed by the British, as were the cis-Satluj possessions of local rulers who had sided with Lahore in the conflict. The main body of the Panjab was finally annexed after the second Sikh War in 1849.

### **2.1.1 Three aspects of pre-British administration: increasing colonization, the growth of Ludhiana town, and assessments increasingly in cash**

Most of the territory which was to comprise Ludhiana district came under British rule at the end of the First Sikh War in 1846. Measures were immediately taken to collect the revenue on the coming spring crop, through a Summary Settlement that was to be based where possible on the average collections for the previous five years.<sup>4</sup> In the summer of 1846 an official, W. Wynyard, was also appointed to commence full Settlement proceedings, which would involve detailed measurements and the registration of rights, throughout the newly-acquired cis-Satluj territories.<sup>5</sup> By 1850 the external boundaries of all villages had been

<sup>4</sup> Letter from the Agent, Governor General, to the Commissioner and Superintendent, Cis-Satluj, dated 20/4/1846, in Indian Political Consultations 1847, 7th August, no. 766. I am very grateful to Professor S.S. Bal, at that time head of the Department of History, Panjab Agricultural University, Ludhiana, for giving me a copy of the correspondence and reports relating to the Summary Settlements of Ludhiana and Badli districts while I was in the field.

<sup>5</sup> NWP Revenue Proceedings, 1847, 18 January, nos. 123-124.



surveyed, but internal field measurements and registration were still to be started. A new Settlement Officer, H. Davidson, was therefore appointed with control over the newly formed districts of Ludhiana and Ferozepore. Wynyard retained control of the Settlement of Ambala district. A year later the Settlement of Ferozepore was made over to the Deputy Commissioner of that district, E.A. Brandreth, responsibility for the Ludhiana Settlement remaining with Davidson.<sup>6</sup> Davidson was dismissed in the summer of 1853;<sup>7</sup> but by then the Settlement had been completed in several *parganas* and only finishing touches remained in the others. It is the 1853 Settlement, otherwise known as the Regular Settlement (*qānūnī bandobast*), which forms the basis of rights to land in the district down to this day. By virtue of their extensiveness the records of this Settlement provide not only the basis from which one may assess agrarian change in villages of the district during the whole subsequent course of British rule but also the basis for examining in detail the nature of agrarian relations immediately prior to British rule.

It is conventional to think of the period before 1846 as before British rule. But as the above sketch of the political history of Ludhiana shows there had been a British presence in the town since 1809 and the British had had jurisdiction over limited territory around the town since 1835. While it may not be appropriate to ask whether the British presence in Ludhiana affected local forms of administration before 1846 — as if the British represented modern ways while local rulers represented tradition — we should nevertheless avoid thinking of pre-British rule as seamless and unchanging. Changes in the exact manner of assessment by local rulers during the first half of the nineteenth century are important, because they probably affected the form of constitution of villages. Collecting revenue in kind required a different

mechanism than assessing and collecting it in cash. It is a starting point of my analysis that the manner in which land was allotted to cultivators within a village might be related to the mode of revenue assessment as well as to more abstract notions of rights over land. We shall give evidence later to show that in villages of our study almost all allotments found to exist at the start of British rule — and frozen in that pattern to its end<sup>8</sup> — could not have been laid out earlier than, say, 1820, give or take five or ten years, despite the earlier foundation of those villages. What is the reason for this? Something in the external conditions of the region at that one point in time; or a regular feature of the tenure, a periodic adjustment to changes internal to each community?

A direct answer to this question may not be possible. Pre-British rule was not a rule-by-records in the sense that one may characterize British rule.<sup>9</sup> Where papers of the Summary Settlement of a village include manuscript notes of collections by former rulers these show only gross sums, if in cash, or gross quantities together with various deductions for services, if in kind. Besides they concern years only immediately preceding 1846 not earlier. On the other hand, of data presented by *paṭwārīs* (village accountants) at the start of the Regular Settlement in 1850 the earliest, in my sample of 84 villages, concerns the spring harvest of 1838, and again is only a gross sum. In the papers of only one village of my sample have I found anything else compiled before British rule: correspondence of 1828-1834 relating to a boundary dispute between L-172 and L-177, the latter village having been held as a revenue assignment (*jāgīr*) by Mubarak-ul-Nissa, the widow of the first Political Agent at Ludhiana, General Ochterlony.<sup>10</sup>

For the moment, three general features of the period before 1846 may be gleaned from the various sources and summarized here. Firstly, the town of Ludhiana did expand

<sup>6</sup> Davidson (1859:para.2).

<sup>7</sup> Davidson was dismissed for offering a bribe to the acting secretary to the Governor General in order to obtain promotion to the rank of Deputy Commissioner, First Class. See Board's Collections no. 146235, and India, Despatches to Bengal, 1853, 9 November, no. 19.

<sup>8</sup> The consolidation of holdings took place in Ludhiana district after 1947.

<sup>9</sup> Smith (1985).

<sup>10</sup> Board's Collections no. 73318. Numbers like L-167 or L-172 refer to *haddbast* numbers of villages according to the most recent Settlement of Ludhiana in 1909-10. See the map at the end of the book.



considerably after 1809, and this must have affected the economy of the surrounding countryside. The population of the town in 1853, without the cantonment, was around 29,000. The map of the town, prepared by the census team, shows that as the town expanded southwards on agricultural land belonging to one or two of the urban estates (particularly L-167), the distance proprietors of those estates had to walk from their houses in order to cultivate land increased: in 1853 the proprietors had to traverse most of the town to reach their fields. These houses define the southern limit of the old town, as do the first of the new bazaars to be built after 1809, which bear the names of the first Agents, Murray Ganj and General Ganj. The old quarters of the town, so defined, were clustered around the fort and possessed a single bazaar. The population of these old quarters in 1853 was around 8,000, which gives an indication of the scale of the town's expansion.

Secondly, it is clear from the histories of individual villages, prepared at the Revised Settlement of the district in 1882, that there had been extensive colonization of waste land by local rulers before the 1840s.<sup>11</sup> My own sample of villages shows this for the low-lying area (*bet*) north of Ludhiana, a strip of land some 5 or 6 miles wide between the old course of the Satluj and the 1850 course. But the 1853 Settlement Officer wrote that it was a general feature of the period:<sup>12</sup>

Under the Sikh rule every spare corner of a village possessing a large area was seized upon thereon to found a new village.... Perhaps in no part of India does the cultivable waste form so small a proportion of the whole cultivable area.... The result of

<sup>11</sup> Underneath the genealogical charter which was prepared at the 1882 Settlement for each village there were three "statements of proprietors" (*bayān-i mālikān*) concerning (1) how the village had been founded and how the land had been divided amongst the proprietors, (2) the naming of the village, and (3) the village's fiscal history. I refer to these statements (more particularly the first) as the 1882 village histories. See Appendix A for details of the village Settlement records.

<sup>12</sup> Davidson (1859: paras. 12 and 18.)

this system of the Sikhs has been more than to double the population and resources of the district.

Thirdly, it does appear that revenue was increasingly taken in cash before British rule, although still perhaps not from the majority of villages. Some revenue assignees, for instance, continued to collect revenue in kind even after the advent of British rule, until this practice was disallowed. But at least partial collections in cash could be made in a variety of ways. For instance, it was standard practice to take cash on certain non-grain crops (*zabtī*) such as cotton, fodder and vegetables, as well of course as indigo and sugarcane where these were grown. These crops could represent a high proportion of annual cultivation, indeed almost the whole of the autumn crop, as Table A shows in Appendix B. Alternatively the autumn crop of maize might be appraised (*kan* or *kankūt*) at the market price, while the main spring crop of wheat or barley would continue to be divided on the threshing floor (*baṭāṭī*). Alternatively again, appraisal of the standing crop might be made at both harvests, with allowance made for crops sown but never ripened (*būd nā-būd*).<sup>13</sup> Finally a fixed sum (*mushakhkhaṣa*) might be demanded from the whole village. Both appraisal and fixed assessments, it should be noted, required that the revenue be distributed internally over the several cultivators according to some regular principle, such as the number of ploughs under each cultivator's command (*bāchh halsārī*).<sup>14</sup> The increasing practice of farming the revenue collection for a fixed amount (*thekā*) to a contractor, who might be the

<sup>13</sup> The only occurrence of the term *būd nā-būd* that I came across was in Gokul Kumar's fiscal history of L-78: "... aur ba-dastūr kachchā baṭāṭī būd nā-būd hoī rahī." See Raychaudhuri and Habib (1982:63). The other terms appear throughout the village assessment reports and fiscal histories.

<sup>14</sup> See Chapter 7 for extended discussion of the use of ploughs to determine the contribution of each cultivator to a joint fund or in a joint collection. The term *kankūt halsāra* occurs in the 1853 Settlement papers of L-181 (*taḥṣildār's* assessment report of 1850). This term may refer to appraisal followed by distribution on ploughs, or to assessment on the basis of ploughs. The text reads: "Sābiq meṁ, mu'āmila is gāhw kā ba-ṭaur baṭāṭī wa kankūt halsāra wa mushakhkhaṣa hoī rahā."



village headman, did not necessarily mean that cash was demanded from the cultivators.

How severely the revenue demand was felt by the cultivators is difficult to evaluate. Increasing colonization does not tally with a picture of the abandonment of villages because of a heavy demand. Yet of *pargana* Sahnewal, in which most of the twenty villages of my core sample lay, the Summary Settlement Officer wrote in 1847 that as a consequence of a sudden increase in the revenue demand three or four years earlier, of almost 50%, "a most gross act of oppression", the villages were becoming depopulated and "the *pargana* was in a most deplorable state".<sup>15</sup> The Settlement Officer also wrote that the assessment of the *pargana* had been rising gradually from Rs.28,000 to Rs.45,000 before the 50% increase, although the exact period of the rise is not mentioned. Leaving aside the rhetoric — and leaving aside the fact that the assessments of the Summary Settlement itself were very generally lowered at the 1853 Regular Settlement — a similar picture may be obtained from the fiscal history of one particular village in the *pargana*, L-60, written in 1852 during the preparation of records for the Regular Settlement. This village had come into Lahore's possession along with other villages of the area around 1808, and two fifths of the crop had been taken as revenue. In 1823 Rai Kishan Chand, the Agent of Lahore at Ludhiana, who was also sometime manager (*kārdār*) of *pargana* Sahnewal, was given the village in *jāgīr* and he fixed the revenue at Rs.1100. In 1828 the revenue collection was given on contract for Rs.1400 to a prominent banker of Ludhiana called Kirta Ram, who took two fifths of the crop from the cultivators. In 1831 the contract was raised to Rs.1500. In 1837 the revenue contract was given to a well-known Brahman of Ludhiana called Bhadra Bharbhakar for Rs.1800. In 1843 the contract was cancelled and Rai Kishan Chand himself demanded Rs.2400. At the Summary

Settlement the assessment was fixed at Rs.1600 and finally, at the Regular Settlement the demand was lowered to Rs.1406, excluding cesses. This history is unusual for its detail. In any more substantial history of the locality due notice would have to be taken of the role of such locally prominent people as Kirta Ram and Bhadra Bharbhakar: both had quarters (*maḥalla*) named after them in Ludhiana town, the former in the new part, the latter in the old; and both had extensive property in the town, to judge from the census entries. Rai Kishan Chand and his brother Gobind Jas occupy a better known place in Panjab history;<sup>16</sup> but their role in the local economy of Ludhiana could likewise be given greater attention.

## 2.2 Land revenue administration under British rule, 1822-1887

In parallel with the foregoing sketch of Ludhiana before British rule, the present section is devoted to a sketch of revenue administration and Settlement practice in British territories prior to the Regular Settlement of Ludhiana in 1853. The registration of rights at the Regular Settlement was not a matter simply of endorsing whatever relations of production were found to exist within a village, but of active social engineering: fitting people into preordained legal categories and pressing the whole management of village affairs into a uniform mould. The exact shape of the legal mould was not determined overnight. Some understanding of changes in Settlement practice in relation to the changing nature and mechanics of British rule is necessary in order to appreciate both the intended scope of the 1853 Ludhiana Settlement and the form of different records.<sup>17</sup>

Regulation VII of 1822 laid the foundations for Settlement practice in the North-Western Provinces and the

<sup>16</sup> Griffin (1865:268-271) and Gupta (1956:42,n.1 and 78,n.1).

<sup>17</sup> Much of the present section is reworked from my article "Rule-by-records and rule-by-reports: complementary aspects of the British imperial rule of law", Smith (1985).

<sup>15</sup> Summary Settlement Report of Ludhiana district by W.H. Larkins, para.49, in India Political Consultations, 1847, 31 December, Pt.5, and Board's Consultations no. 117156.



Panjab, modified by Regulation IX of 1833.<sup>18</sup> As far as the Panjab is concerned the twin Acts of 1887, the Land Revenue Act and the Tenancy Act — the former is still in force —, mark the *terminus ad quem* of developments in land administration. Between 1822 and 1887 the other key date besides 1833 is marked by the publication in 1844 of *Directions for Settlement Officers*, which was the bible of the first generation of Settlement Officers in the Panjab.<sup>19</sup> After the publication of *Directions* many manuals were published, for the most part in Urdu, regulating every aspect of Settlement.<sup>20</sup> For the Panjab the Circular Orders of the Financial Commissioner or the Settlement Commissioner modified Settlement practice whenever this was felt necessary.

For Ludhiana the dates are slightly different. In all essential features the records of the revised Settlement of 1882 embody the 1887 Acts. By then Settlement practice had been standardized. But records of the 1853 Regular Settlement, although conducted under Regulation IX of 1833, show features not regulated by *Directions for Settlement Officers*. At that time Settlement practice was still in process of formation and standardization. Wynyard himself had directed the publication of seven small manuals in 1850, of which that concerning the household census (*khāna shumārī*) was quite distinctive.<sup>21</sup> Moreover, the model Settlement Record which was published in 1847 to accompany the *Directions* was a modification of the actual record of a village in Meerut district which had been settled between 1835 and 1837.<sup>22</sup> Finally, for villages of *parganas* Bassian and Ludhiana there are the records of a full Settlement conducted between 1842 and 1844, under

Regulation IX of 1833.<sup>23</sup> Thus, between the actual records of Settlements, the published model Settlement Record, the official manuals and Circular Orders, and the enabling Acts or Regulations, we have a solid basis for observing developments in both the practice and the policy of land revenue administration under British rule during the middle of the nineteenth century.

The key characteristics of revenue administration initiated by Regulation VII of 1822 may be summarized under the following six heads.<sup>24</sup>

1. The practice of revenue farming was largely abandoned; revenue liability became tied to property rights. Proprietary rights were awarded over bounded estates, and the proprietors of an estate were made jointly responsible for the revenue, which was paid through their appointed headmen direct to the state treasury (*tahsīl*), without intermediaries.
2. Revenue demands were fixed for periods of up to 30 years at levels intended to make the management of land profitable to the proprietors.
3. The records of rights and revenue liability in an estate were made the legal basis of the land revenue administration. These records were prepared by means of a full cadastral survey of each estate: every field was measured; its soil-type was recorded and whether or not it was irrigated or manured; and its occupants and owners were registered.
4. The names of all cosharers were registered, in all holdings, proprietary and tenant, individual and joint. The conditions of jointship were recorded, together with the measure of each person's share and the rules governing succession and alienation.

<sup>23</sup> The papers of the 1842 Settlement of *parganas* Ludhiana and Bassian were prepared by P. Vansittart in 1842 and completed in 1844-45 by C. Mills. Mills' reports were sent to Broadfoot in May and September 1845, but it seems that Broadfoot never submitted them to the government for sanction. See Punjab (1915a: no. 2555 and 1915b: nos. 288, 342-343 (Ludhiana) and 228 (Simla)), Davidson (1859: 81) and Smith (1985: 162, fn. 26).

<sup>24</sup> East India House (1826: 369-386).

<sup>18</sup> Douie (1899: Chapter 3).

<sup>19</sup> NWP (1844).

<sup>20</sup> See references cited in Smith (1985).

<sup>21</sup> Wynyard (1850a-f). Note however that Kali Rai (1850) is the same as Wynyard (1850a and b combined). Kali Rai was Wynyard's assistant. See also Brandreth (1859: para. 88).

<sup>22</sup> NWP (1847a and 1847b).



5. The rights of all non-proprietary cultivators were defined; their names, holdings and rents were registered; and limits were set upon the rents that could legally be demanded.
6. Conditions were set upon the general management of village affairs and were entered in the village record. In particular, the management of the village fund (*malba*) was regulated: headings were specified under which dues could legitimately be collected and village expenses disbursed by the joint proprietary body.

Some of the above features were present in the same form in all Settlements after 1822; others however changed. The question of shares will be taken up in later chapters. For the moment it is necessary only to highlight the most dramatic developments.

### 2.2.1 From contract to status: the relation between the village Record of Rights, statutory law and 'tribal' customary law

Firstly, concerning the legal status of the record, the relation between entries in the village records and provisions in the general law changed. The 1822 Regulation did give the village record a certain standing in law but the precise legal provision of the 1887 Panjab Land Revenue Act was as follows: "An entry made in a record of rights ... shall be presumed to be true until the contrary is proved or a new entry is lawfully substituted therefor."<sup>25</sup> But as laws were enacted, so the village record became more restricted and both its form and function changed. This is seen most clearly in what was called the Village Administration Paper or *wājib-ul-'arṣ* (*iqrār-nāma* in earlier Settlements). The *Directions for Settlement Officers* considered this the most important of all the papers of a Settlement record.<sup>26</sup> At the Ludhiana Settlement of 1853 the form of the *wājib-ul-'arṣ*

was still contractual: "The headmen P, Q and R and all the proprietors of the village, whose names are appended below, do hereby promise to pay the stipulated revenue according to the following provisions...."<sup>27</sup> The attestation of the *wājib-ul-'arṣ* was an important proceeding, in which reasons for the absence of any proprietor had to be recorded. By 1882, however, both the wording had changed and the attestation had become mere formality. Not that the provisions of the 1882 *wājib-ul-'arṣ* were stereotype; on the contrary, the 1853 provisions had been both more general and more stereotype; specific clauses of the 1882 *wājib-ul-'arṣ* could differ quite markedly from village to village, and even the names of those who dissented from a particular provision might be recorded.

The increase in legislation meant that certain topics, such as the rights of tenants, became no longer the province of village records but of general Acts. At both the Ludhiana Settlements of 1853 and 1842, the rights of tenants had been recorded in the *wājib-ul-'arṣ*, albeit in stereotype form, unvarying from village to village. But at the 1882 Settlement tenants' rights were secured by the 1868 Panjab Tenancy Act (forerunner of the Tenancy Act of 1887). Moreover, by the 1880s there was also a demarcation of topics between Customary Law and general, statutory law. Disputes over the inheritance of agricultural land, for instance, now referred for guidance — although not statutory determination<sup>28</sup> — to the volumes of customary law which were drawn up at Settlement for certain denoted agricultural 'tribes' and certain localities within a district. There were 34 volumes of customary law drawn up at the 1882 Ludhiana Settlement, each recording the answers of the relevant 'tribe' in the district to an identical set of questions. Yet at the 1842 Settlement, clauses 10 and 11 of the *iqrār-nāma* had concerned inheritance of proprietary title, in this case by a

<sup>25</sup> Douie (1899:para.566) and section 44 of the 1887 Panjab Land Revenue Act, in Madan Gopal (4th edition 1916:185).

<sup>26</sup> NWP (1844:para.167).

<sup>27</sup> "Ham, ki lambardārān wa jumla khewaḍdārān mauṣa' [fulān] ... ki jin ke nām taht meṁ is wājib-ul-'arṣ ke taḥrīr hain, iqrār karte hain ki ... ba-tasīm-i-sharāyat-i-zail [mālguzārī] adā karte rahenge." See Appendix D for the full text of a *wājib-ul-'arṣ* of 1853.

<sup>28</sup> Douie (1899:para.566).



single heir rather than a group of co-heirs.<sup>29</sup> The 1853 *wājib-ul-'arz*, on the other hand, no longer contained such a general provision, which clearly contradicted Muslim and Hindu law, except in the case of succession to the office of headman. But for certain *parganas* the 1853 *wājib-ul-'arz* did still contain a clause regarding the rights of widows, which in 1882 was covered by Customary Law.

It may seem strange that an identical provision should have been made in the record of every village at the Settlements of 1842 or 1853. But the reason for this is the contractual nature of the record at the time. The record acted as a primary interface between ruler and ruled: an instrument of rule that required the formal acceptance of those whom it was to govern; an agenda of negotiation between the will of the sovereign and the practice of the sovereign's subjects.

### 2.2.2 Intermediaries and individuals: the increasing specification of rights and customs within a village

The second point which highlights developments in land administration between 1822 and 1887 concerns the way in

which the village record came to regulate the activities of everyone in a village, not just cultivators. The move from rule-by-contract to rule-by-status involved a shift of administrative focus on the village. From the political relation of a village to the ruling power the focus shifted to social relations of individuals within a village: from the mechanics of revenue extraction to the nature of rights, from intermediaries to the subjects themselves. The shift of focus was accomplished on the one hand by dispensing with intermediaries between village and State, or by severely curtailing the powers of those intermediaries (revenue assignees) who were allowed to remain; and on the other hand by extending the scope of the village record to cover all classes of village residents, whether directly connected with agriculture or not. The mechanics of revenue collection were made uniform. Revenue assignees were no longer free to collect land revenue and other dues in any way they liked, but were paid from out of the State treasury after the State had made the collection. It was the constitutions of villages and the customs of different classes of villagers that were allowed a degree of variability.

The example cited above from the 1842 *iqār-nāma* concerning inheritance by a single heir shows that it was still possible at that time to hold only one person responsible for a given portion of revenue, leaving him to make whatever internal arrangements he chose. The names of cosharers were not usually entered in the 1842 registers of ownership and cultivation; and there was no attempt to register the names of those proprietors who were either out of possession (*ghair qābiz*) or absent with debts outstanding (*mafrūr*, literally absconded). Nor, it seems, were women registered in 1842 as proprietors, although women were sometimes recorded as householders in the contemporaneous census. In this regard the 1842 practice is in clear contrast with the practice of 1853 — and 1853 entries in registers of cultivation are stark by contrast with those found after 1887, a point which we shall take up later.<sup>30</sup> horizontal

<sup>29</sup> Clause 10 was headed *zīkr dākhil-khārij nām ba-khāna-i zamīndārī wa mālguzārī*, "concerning the mutation of names in the column of proprietor and revenue-payer". There is some doubt that clause 10 did not refer only to headmen, who elsewhere in the *iqār-nāma* were referred to as *ṣadr mālguzār*, whereas proprietors were usually referred to as *khewaṭdār* (literally 'the holder of a *khewaṭ*', i.e. of a unit of property-cum-revenue liability). Succession to headmanship was always singular. Clause 9, however, 'concerning the transfer of rights', began: "In the register of *khewaṭs* the name of the head of the *khewaṭ* is given (*naqsha-i khewaṭ meī nām sarkarda-i khewaṭ kā mundaraj hai*).". Clause 9 thus shows that only one name was expected to be entered in the register of proprietary holdings, which was in fact how entries were usually made. The language of the 1842 *iqār-nāma*, here and elsewhere, throws the reader by implication back to an era when only the headmen were registered and when, in case of dispute, anyone else would have to prove he was a 'cosharer' in the estate for the revenue of which the headmen were responsible. The transformation from revenue liability to proprietary title is fraught with such linguistic ambiguities.

<sup>30</sup> Chapter 5, Section 6.



relations of partnership were not caught by the vertical grid of rent-payer/rent-receiver as it was applied in 1853.

For non-cultivators, on the other hand, neither customary law nor statutory law made much provision, except in a very general sense. Instead, it was the terms of the village records that grew ever more extensive. Regulation VII of 1822 laid down that the management of village expenses should be regulated. In 1842 clause 12 of the *iqār-nāma* on village expenses (*gānw kharch*) was the only clause which touched remotely on non-cultivators, simply because some expenses related to the whole village, such as hospitality and charity. The *iqār-nāma* of the model Settlement Record, published in 1847, likewise had a clause on the village fund (*malba*) which specified only expenses and how they were to be met by the proprietors. But Clause 3 of the model, concerning joint responsibility for the revenue, did specify the various heads under which income could be derived from uncultivated land (*ruqūmāt siwā'e*), such as from fisheries, the sale of wood, grazing dues, the manufacture of saltpetre, and quit-rent on stalls and shops that had been set up on agricultural land for a regular bazaar.

In the 1853 *wājib-ul-'arṣ* not only did the clause on village expenses specify the headings under which both income and expenses were to be regulated, but a separate clause on income from common waste land mentioned a village tax which was levied on the houses and shops of different non-agricultural occupations (*atrāfī*, properly *ihtirāfī* from *hīrfa* meaning a trade). Not every village had the tax, and not every non-agriculturalist had to pay it where it existed. It seems to have been part trade-tax, part hearth-tax and part a general levy: for instance a Chamar (leather-worker) with a loom might be taxed per loom; a Chamar who worked as a tied labourer (*begārī*) would usually not pay anything, unless he also worked as a weaver (L-183, L-184), and was sometimes specifically exempted (L-52); while Chamars in general might occasionally have to pay at a certain rate per house (L-44, L-72), and occasionally as a group, either in a lump sum (L-41) or in kind (L-85: three leather well buckets per year (*charsā*)).

Apart from clauses on the common income and expenditure of a village the 1853 *wājib-ul-'arṣ* contained one other clause which concerned non-cultivators and which had no parallel in the earlier *iqār-nāma*. This was a clause on tied labour (*begār*), which for my sample villages concerned only Chamars and occasionally Chuhars.<sup>31</sup> The work that was required from *begārīs* was specified in some detail, together with the dues to which they were entitled. The reason why it was only *begār* which was regulated in the 1853 *wājib-ul-'arṣ* was nowhere made clear. But it would seem from a reading of the complete series of Village Administration Papers from 1822 to 1882 that the function

<sup>31</sup> By their designation Chamars were leather-workers and Chuhars sweepers. But throughout the Panjab they provided the bulk of the tied agricultural labour. This is reflected in their proportions to the total population. In the southeast of the Panjab and in the hills Chamars predominated; in the west Chuhars. In the 67 inhabited villages of my sample, Chamars constituted 10.0% of the total population, according to the 1853 household census, occurring in 56 villages (the second most frequently occurring group after Faqirs), while Chuhars constituted only 1.8%. In five villages over 20% of the households belonged to Chamars. In Ludhiana town, on the other hand, Chamars had only 2.4% of the households. 9% of Chamars in my 20-village core sample were recorded as agriculturalists (14 households), but of these only 5 were registered landholders. In one village of the core sample a Chamar owned land as a full shareholder (although his brother, a weaver by occupation, was for some reason barred, despite having been originally registered as his partner; normally registration of brothers as partners in a proprietary holding was automatic); and in two other villages Chamars were tenant cultivators. The one invariant characteristic of Chamars, Chuhars and one other group (Bauriyas) is that their houses were located in separate quarters of the village, usually accessible only from the outside. The size of the Chamar population, and the nature of its tied labour, is an important distinctive feature of the area and period, in contrast with peasant societies in other parts of the world.

Note that no condition was written into a *wājib-ul-'arṣ* about the furnishing of *begār* to the State, although this had been customary before British rule and seems also to have continued in the Panjab for much of British rule without attracting extensive official debate. See Bhattacharya (1986:136-7) and Ramachandra Guha (1989:25-6); also Campbell (1870:153). In other taxation systems the complementarity between land and labour, as the principal two common resources of a village, is more evident; for instance see Minorsky (1938).



of the *wājib-ul-'arṣ* in 1853 was still to regulate only the management of agriculture within a village by the proprietors, not as a record of all classes of rights and duties in the abstract. This vertical vision of agrarian relations extended to agricultural labour, which was understood as *begār*, but not yet to the full division of labour within a village that would include different service groups and artisans.

The 1882 *wājib-ul-'arṣ* completes the series of increasing regulation of non-cultivators. There were separate clauses on the village fund and on income from commons. Details of the trade- or house-tax, however, were now contained within a general clause entitled "Rights of proprietors over the village-site". That is to say, the right to collect these dues had now become assimilated to a more general conception of property right over all land, cultivated and uncultivated, cultivable and uncultivable; and the dues themselves were now understood as only a form of rent. As the 1882 Settlement Officer wrote: "The village site, like the rest of the land, belongs to the proprietary body."<sup>32</sup> In 1853, by contrast, nothing had been mentioned about rights over the village site, which belonged to the category of land termed *minhāṭī*, excluded from assessment (and therefore from regulation in the *wājib-ul-'arṣ*, as then understood). We shall pick this point up in Chapter 3, concerning categories of land and the relation between revenue liability and proprietorship.

The 1853 clause on *begār* had now expanded in the 1882 *wājib-ul-'arṣ* to include the 'customary' rights and duties of all classes of non-cultivators in a village, with the usual exception of shopkeepers. Each class was identified by its caste; and against the name of each caste were listed the various services it was expected to provide together with details of how its members were to be paid. As a model of the so-called *jajmānī* system this clause is a forerunner of the tabular descriptions of anthropologists.

<sup>32</sup> Walker (1885:89, para.177).

### 2.2.3 State taxes, village taxes, fees, dues and cesses: the *jajmānī* system reconsidered; or how specification of rights, rents and revenue undermined the authority of the cultivator

The abstract tabulation in 1882 of the rights and duties of each non-agricultural caste had no parallel in the *wājib-ul-'arṣ* of 1853. But occasionally in the papers of the 1853 Settlement there was incidental reference to such rights within details of rents. This will form the last point of contrast in our review of increasing regulation within the village records. Most of the rights recorded in 1882 were rates of payment for different services, some general, others specific. Specific services, such as plastering the houses of proprietors or accompanying the village headmen on official duties, would be paid on the occasion those services were needed, usually just with food. But payments for more general services were made at the key points of the agricultural and of the domestic cycles, that is at harvests and at weddings (in kind and in cash, respectively). It is details of the distribution of grain on the threshing floor that was occasionally recorded as rent in 1853.

Rents from the cultivation of grain, if in kind, were invariably recorded in 1882 in terms of the simple division of produce (with or without the straw) between proprietor and tenant, usually  $\frac{1}{2}$ ,  $\frac{1}{3}$  or  $\frac{2}{3}$ . In 1853 rents had been recorded in a similar way, as fractions, but with an additional stipulation whether this included "expenses". " $\frac{1}{3}$  with expenses" could mean (as in L-59)  $14\frac{15}{16}$  *ser* per *man* for the proprietor, made up of  $13\frac{5}{16}$  for the *māl* — i.e.  $\frac{1}{3}$  of a *man* — and  $\frac{1}{8}$  of this, or  $1\frac{5}{8}$  *ser*, for the *kharch* (expenses). " $\frac{1}{3}$  without expenses", on the other hand, meant that expenses would be taken out of the  $\frac{1}{3}$ . Sometimes the division of  $\frac{1}{3}$  operated differently at different harvests, depending on whether the deduction for expenses was taken before division or afterwards: in L-45  $16\frac{3}{4}$  *ser* per *man* were taken in the spring by division of the crop (*baṭāṭī*), i.e.  $(\frac{1}{3} \times (40-5) + 5)$ ; but  $18\frac{3}{4}$  *ser* per *man* were taken in the autumn by appraisalment (*kankūt*), i.e.  $(\frac{1}{3} \times 40 + 5)$ .



What were these "expenses"? It is not always clear that they were distinguished from general village expenses (*malba*) by the 1853 Settlement Officer: "The rate of *baṭāṭ* is  $\frac{1}{3}$  after deducting 2 *ser* per *man* for village expenses."<sup>33</sup> But it is clear from the occasional detailed breakdown of the "expenses" referred to under rents that they more usually signified the dues of village servants, and that *malba* formed a separate item of collection. Thus for L-158 the following clarification was recorded concerning the rate of  $\frac{1}{3}$  for rent:

15 *ser* per *man* was the landlord's share:

12 *ser* as *māl*;

3 *ser* as *kharch*:

1 *ser* for *biswādārī*;

1 *ser* for the carpenter and the blacksmith;

1 *ser* for the barber and the Chamar.

The term *biswādārī* here probably meant 'proprietary due', equivalent to *ḥaqq zamīndārī*, *ḥaqq sīrī* or *mālikāna* elsewhere. Where revenue was taken in kind, or where tenants paid the revenue at the same rate as proprietors, the proprietary due might be the only acknowledgement by a cultivator that someone else had a prior claim on the land (or simply that the cultivator had been located on the land by someone else). Because it was frequently the only item that could be identified as 'rent' the 1853 Settlement Officer encouraged the addition of *mālikāna*, up to 33% on top of the revenue rate, although without much success.<sup>34</sup> The use of the term *māl* here is also interesting, since its primary meaning is "the public revenue of the State". Finally the term used here for 'landlord's share' was *ḥiṣṣa-i mālik*, but where revenue was taken in kind the term would be *ḥākim-i ḥiṣṣa* or *ḥiṣṣa-i sarkār*.

In the same village, L-158, the collection for *malba* was specified separately. One *ānā* was taken per *bīghā* of every kind of cultivation, together with straw to a certain weight per plough "without regard to the extent of land". Finally a remark was added: "If a tenant cuts the grain and sells it, or

causes it to be grazed, then the yield will be calculated at 25 *kachchā ser* per *pakkā bīghā* and  $\frac{1}{3}$ rd of this will be taken."

Instances of more complex divisions could be multiplied from the papers not of the 1842 Ludhiana Settlement (for which the recording was meagre) but of intermediate Settlements of lapsed revenue assignments in *pargana* Ludhiana made in 1848-49. Here we meet with finer distinctions over whether deductions were taken from the ruler's share or from the cultivator's, before division or after division, at the spring harvest or the autumn; and with a variety of additional deductions. One example will suffice. In the *iqrār-nāma* of the 1848 Settlement of L-79 (an uninhabited *zamīndārī* village with a single proprietary family) the proprietor's share was  $\frac{1}{3}$  at both harvests. But "expenses" were taken from the combined heap, before division, in spring, but from the cultivator's share in the autumn. These expenses amounted to a full 13 *ser* per *man*: 5 for 'government expenses' (*kharch-i sarkār*), 1 as proprietary due (*ḥaqq sīrī zamīndārān*),  $6\frac{1}{2}$  for 'village expenses' (*kharch-i dīh*), and  $\frac{1}{2}$  for the *patwārī*. Either way the cultivator only kept  $\frac{1}{3}$ ths; and apart from this he had to pay one *man* per plough for the village servants (although none was in fact resident, the *zamīndār* living in neighbouring L-81 and most of the cultivators living in Ludhiana town) and one *ānā* per *bīghā* for *malba*. How exactly 'village expenses' differed from *malba* was not made clear, nor were the 'government expenses' specified.

The point of these examples is not, however, the detail but to bring out the contrast between methods of recording between 1853 and 1882. In 1882, rent was distinct from revenue, and from village expenses (*malba*), and from the dues of village servants; and all four items were recorded quite separately. But occasionally in 1853 and earlier we catch a glimpse of a more unified method of distributing the produce, one in which the State and the village each had their share, and the acknowledgement to the 'owner' of a field was only one of several dues paid to non-cultivating parties. The proprietary due was more like an acknowledgement of anteriority in colonizing the land, rather than

<sup>33</sup> 1853 *Pargana* Notebook of *pargana* Sahnewal: abstract for L-188.

<sup>34</sup> Davidson (1859:para.53).



of superiority of title in an abstract hierarchy of rights over the produce from the same patch of cultivation. The right of division of the produce on the threshing-floor lay with the cultivator.<sup>35</sup> It is precisely this unity which is lost when the model *jajmānī* system is tabulated as in the 1882 *wājib-ul-'arṣ*. It was the cultivator's authority, to assign shares of what he had produced, that was undermined when the shares were written down, classified, given legal substance and filed away in the records room.

#### 2.2.4 From village community to caste and tribe

A third aspect of the changing nature of British rule in India during the nineteenth century touches upon the village records in a more abstract manner. This concerns the understanding of Indian society by the British, and the use within the administration of what were considered key units of that society. To examine this aspect in any detail would take us beyond the scope of the present review, to changes both in different forms of knowledge about society and in the relevance of those different forms of knowledge to government. Briefly, the change from rule-by-contract to rule-by-status required increasing emphasis on knowledge of the morphological character of Indian society rather than on just the exercise of military and political power. Rule-by-contract operated as a pyramid, with the East India Company at the apex and the myriad "little republics" of village communities at the base. Rule-by-status, by contrast, operated as a pyramid upside-down, with the individual at the nadir, identified by his caste, and 'India', the sum of all castes, at the top, governable because the individual himself was known to be governed by the laws, customs and rules accorded his status.

The institution that was above all responsible for the construction of a morphological view of India in terms of caste was the census. At the time of the 1853 Settlement of

Ludhiana censuses were still a part of Settlements, conducted village by village, often concurrently with the measurement of fields. To the author of the 1850 manual on the household census, W. Wynyard, the register of the household census seems to have been essentially a village record, available for consultation by government officials and villagers alike. Maps were therefore prepared of the village site, to parallel the field-maps which accompanied the registers of cultivation. Since maps of village sites have never been prepared subsequently, the 1853 household census registers and maps are still consulted by villagers and officials of Ludhiana to this day.

Census registers were not to remain part of the village revenue records, at least in Ludhiana district.<sup>36</sup> The enumeration of censuses was taken out of the hands of the Settlement Agency by the mid-1850s. The 1855 Census of the Panjab was a first attempt to take a synchronous census throughout the province. At this census figures of caste were abstracted from those compiled during the Settlements of individual districts. However, the potential value of the enumeration of caste on a province-wide base was foreseen by the official in charge, R. Temple.<sup>37</sup> Thereafter the enumeration of caste became a central part of censuses in India. Census reports became a venue both for the elaboration of theories about caste in general and for descriptions of castes in particular. The 1868 Panjab Census was still a provincial affair. In 1881 began the decennial series of all-India censuses. Ibbetson's report on the 1881 Panjab Census still stands as the corner-stone of all caste ethnography of the Panjab.

The village records must be seen as enabling the construction of an official version of knowledge about India

<sup>36</sup> In neighbouring Jullundur district the household census registers of the first Settlement were apparently bound into the back of the Settlement records (Kessinger 1974:6).

<sup>37</sup> "No detail of castes and tribes has been attempted on the present occasion, such a classification would however possess much ethnological interest, and may be effected together with the next Census" (Temple 1856:para.21).

<sup>35</sup> Compare Firestone (1975:6) on the Middle East: "In Muslim law the crop 'follows the seed': in principle it belongs to the owner of the seed."



in two ways. Firstly preparation of the village records at Settlements provided the core information on which the Settlement Reports of districts were based; and the Settlement Reports formed the heart of the all-India series of district Gazetteers, which above all represented published official knowledge. In terms of building up experience and self-confidence in the civil service too, Settlement operations represented the high point of a person's career: "Officers who had done this work were better armed than most to deal with those teasing questions involving an understanding of the people, their land and farming, which constantly occurred."<sup>38</sup>

Secondly, the increasing specification of rights within the village records was accompanied by increasing uniformity in the way right-holders were identified. Propagation of the caste-view of India through the published district reports was complemented at the local level by the seemingly innocuous requirement that every party to an official proceeding should be identified by a caste. Classification by caste was the mortar that linked local administrative practice to both law and general knowledge.

We have already noted two local records of the 1882 Settlement in which classification by caste or 'tribe' was essential: the *wājib-ul-'arṣ* of each village, in which the rights of non-agriculturalists were defined; and the local customary law registers for each agricultural tribe. A third record which was prepared for the first time at the 1882 Settlement was the Genealogy of Proprietors. In Chapter 4 changes will be analyzed in categories of landholding, which were reflected in the way the Genealogy was prepared. But in the present context it may be noted that the Genealogy of Proprietors represents a synthesis between alternative views of Indian society: on the one hand, society composed of numerous village communities; on the other, society dominated by a few well-known agricultural castes or tribes. Village communities were implicitly conceived in the 1882 Genealogy no longer simply as autonomous little republics,

each with its own set of regulations, which it was the function of the *iqrār-nāma* or *wājib-ul-'arṣ* faithfully to record and enact. The village community was now represented as a community of proprietors exercising control over tenants (by law) and a miscellany of castes (by custom), the proprietors ideally belonging to a single lineage of some great tribe that was spread across North India. The Genealogy linked present proprietors to the putative founder of the village, and thence to the different waves of migration of tribes and races that were supposed to have swept India's past.

## 2.3 Sources

A list of the Settlement records preserved in the Revenue Records Room of district Ludhiana will be found in Appendix A. It would be tedious to go through them all here in detail. Some general remarks should, however, be made concerning the question of linkage between different registers.

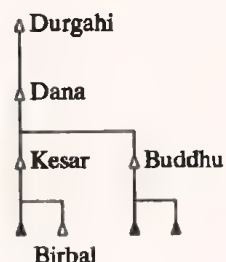
Most of the foregoing section was concerned with analyzing the changing form and function of the Settlement records. This is necessary in order to set each record in its proper context. But to deconstruct the official categories and relations of landholding requires more than an analysis of form: one must get to know who everyone was in a village at the time rights were awarded. Four sets of registers have mainly been used for this purpose: the 1853 registers of landholding; the 1882 Genealogy of Proprietors; the 1853 household census; and a preliminary set of landholding registers of the 1853 Settlement, called 'Gokul Kumar' after the superintendent responsible for their preparation.

An illustration of the use of these four registers may be made concerning the Chamar proprietor mentioned in footnote 31 on page 69 above. The 1853 final register for L-68 gives his name as Dana son of Durgahi on proprietary

<sup>38</sup> Hunt and Harrison (1980:48). See also Cohn (1963:181).



holding number (4.).<sup>39</sup> The 1882 Genealogy of Proprietors gives the following genealogy against holdings [29.] and [30.]



for Dana's only surviving son's son Birbal (two holdings, because [30.] was mortgaged). The 1853 census register lists Dana in house no. (3) with composition (2-2-1-0), i.e. 2 men, 2 women, 1 boy and 0 girls. Dana's son Buddhu occupied house no. (2), in the same compound, with composition (1-1-0-1). From the composition of Dana's house-

hold it would seem that Kesar, the elder son, was married and living in his father's household — a common enough pattern by comparison with similar cases.<sup>40</sup> The occupations of both Dana and Buddhu were given as 'agriculture', meaning that each possessed the wherewithal for agriculture, namely plough and plough oxen (which were enumerated), even if he was not a registered landholder. The third household of Dana's compound, no. (1), was held by Resu son of Durgahi, whose occupation was weaving, and whose household composition was (3-2-0-1). Finally the 'Gokul Kumar' listed Dana and Resu jointly, but a note alongside the holding says that Resu's name was struck off by order of 18/10/1853, without any reason being recorded.

The example shows some of the problems of linkage between registers, and some of the shortcomings of the records. Although Resu's name was not given on the 1882

<sup>39</sup> The following convention has been used in referring to holdings. (4.) refers to the 4th proprietary holding to be listed in that particular village in 1853; (.4) refers to the 4th cultivation holding, perhaps within (4.) perhaps in (1.), (2.) or (3.), depending on the number of cultivation holdings within the earlier proprietary holdings. On the other hand [4.] or [.4] would refer to holdings in 1882. Listing at the 1853 Settlement was alphabetical within each village subdivision whereas at the 1882 Settlement it followed the order of the Genealogy of Proprietors. (4.)<sup>a</sup> refers to the first named cosharer in holding (4.).

<sup>40</sup> The 1853 household census did not list the names of anyone other than a household head, nor did it give ages, nor relationship to the household head.

genealogy, it seems certain that he was Dana's brother. On the other hand, household no. (15), in a different part of the Chamar quarter, was held by Jita son of Durgahi, and household no. (16) by Jita's son Mahkam. With no other evidence than that their fathers' names were the same one should not conclude that Jita was another brother of Dana.

To pursue the reason Resu's name was struck off the preliminary register is more difficult. No record exists, to my knowledge, of details of all the orders passed by the 1853 Settlement authorities. Judicial records were not consulted by me at any time during field research, but it is unlikely that 1853 Settlement orders were preserved amongst the judicial records since Settlement officials conducted their own courts, separate from the civil courts. It is possible that following the holding through the quadrennially updated records after 1882, and through the accompanying mutation registers, would throw up a case of disputed inheritance. For instance, if Birbal had died in 1883 without a son the mutation register would have had to specify to whom the holding passed and why; perhaps a genealogy would have been given showing the names of collaterals, including Resu. But to follow through all of 1,000 holdings in 20 villages, in pursuit of a little more genealogical detail, was not practicable.

Linking proprietary holdings between the 1853 and 1882 landholding registers does not usually present any difficulties since the 1882 Settlement was intended to bring succession to rights in land up to date. One may not be sure that all who died without male issue between 1853 and 1882 were specified on the 1882 genealogy. But the 1882 Genealogy of Proprietors does often give the names of patrilineal relatives of 1853 proprietors who obtained rights to land in other villages. In other ways too, supplementary detail recorded in the 1882 Genealogy of Proprietors puts some flesh on the bare skeleton of names.

For tenants, linkage between 1853 and 1882 registers is more of a problem. Officially there were two broad categories of tenant, occupancy tenants (*muzāri'a maurūsī*), who possessed hereditary rights of occupancy but not of



alienation, and tenants at will (*muzārī'a ghair maurūsī*), who could be evicted at the landlord's will. In Chapter 5 the award of tenancy rights at the 1853 Settlement will be examined in detail. A tenant who had been cultivating his land continuously for more than 12 years before 1853 was usually made an occupancy tenant, unless he asserted to the contrary ("*ba-iqrār khud*" in the register). Conversely, tenants at will in 1853 were mainly those who had been cultivating their land for less than 12 years, unless the proprietors asserted otherwise ("*ba-iqrār mālīkān*"). This arbitrary limitation took no cognizance of existing structures of landholding nor of existing methods of allotting land. There were cultivators who were awarded only rights of tenants at will in 1853, yet who shared in the revenue payments of the village like any proprietor. There were cultivators who were awarded proprietary rights in 1853, yet who had been cultivating for less than 12 years. There were cultivators who had been cultivating temporarily allocated land for longer than 12 years before 1853 and who were awarded rights of occupancy tenants. As the 1853 Settlement Officer wrote of the distinction between proprietors and tenants:<sup>41</sup>

In the majority of cases where the people were called upon to record the rates [of assessment] between themselves as proprietors and their tenants I very much question whether they understood what they had to decide; whether they had formed any correct idea of the distinction of rights which could call for a distinction of rates.

No genealogies were prepared of tenants in 1882, nor did the official histories of villages accord them any recognition. Linkage therefore has to be made on the basis solely of names, once the continuity of a holding has been established by reference to the field maps. Where the name of an 1882 tenant's father does not coincide with the name of the 1853 tenant on the same fields (or the name of his father), then linkage becomes uncertain. In the majority of cases linkage can be established. Succession by a son's son was more

<sup>41</sup> Davidson (1859:para.53).

likely than by the son of an unregistered brother of an 1853 holder, since the latter had no prior claim according to the Panjab Tenancy Acts of 1868 and 1887. But there are documented cases of collateral succession and even of succession by a sister's son or daughter's husband, where it has to be assumed that the landlord had refused his own prior right of reversion. And where an 1853 tenancy disappeared by 1882 the reasons are never clear whether the tenant had abandoned the land or there had been no heirs. To follow these cases up was again not practicable. At the 1882 Settlement a register was prepared called the *fard ba-dar* which brought all mutation of entries in the 1853 Record of Rights up to date. Only very limited use was made by me of this register.

The preliminary 1853 registers of Gokul Kumar, on the other hand, provide invaluable data concerning tenants, on two counts. Firstly, between the preliminary and the final registers changes were sometimes made in a person's landholding status. Cultivators who were given as owners by Gokul Kumar might be relegated to the status of tenants in the final register (as in L-75); tenants might be upgraded to proprietors (as in L-60, where the majority of 1853 proprietors had been given as tenants by Gokul Kumar); occupancy tenants might become tenants at will, or vice versa. Although such changes were noted in Gokul Kumar's registers together with the relevant order, the reasons were never recorded. Analysis has to follow a process of building up all the cases in a number of villages and looking for a pattern over the whole. The Gokul Kumar registers did not form part of the bound records of the 1853 Settlement. Their preservation was ordered after measurement proceedings of each village had been completed, at which time the measurement files were generally destroyed.<sup>42</sup> Because they were only ever loose-leaf, not all Gokul Kumar registers have survived. For a possible 79 estates of my maximal sample the Gokul Kumar registers exist for 66. For

<sup>42</sup> For a few villages the measurement files have fortunately been preserved (see Appendix A).



the 20-village core sample, however, coverage is less good: Gokul Kumar registers were not found for L-65, 66, 67, 180, 181 and 187.

The second reason that the Gokul Kumar registers are invaluable has more to do with the nature of the 1853 Settlement. These were the registers which the field-surveyors (*amīn*) used in order to fill up the columns of owner and occupant against every measured field in their draft field registers. That is to say, Gokul Kumar's registers were prepared from the top downwards, by asking who were the proprietors of a village and who were their tenants, rather than from the bottom upwards, by first registering the occupant of each field and then abstracting details of proprietorship and tenancy. This procedure had two consequences. Firstly, details of occupancy were not entered in the field registers as directly observed, but were the result of a prior process of identifying people and classifying them as proprietors or tenants. Secondly, and even more important from our point of view, before detailed measurements were made of the extent and composition of each cultivator's holding, the revenue was distributed over the cultivators of a village according to 'customary' measures, which for the most part were termed "ploughs". Gokul Kumar's accounts of revenue distribution (*bāchh*), before field measurements, are essential to our analysis of the constitution of villages at the start of British rule. Detailed field measurements allowed the revenue to be distributed over the proprietary holdings in a supposedly more objective way, according to a classification of cultivated land based on the type of soil and whether the fields were irrigated or manured. The fact that the 'customary' measures themselves took account of variations in soil, or that the revenue was still allowed to be distributed over "ploughs" at the 1853 Settlement, does not alter the critical changes which absolute measurement heralded. Just as the separation of rent and revenue, rights and dues, destroyed the unity of a system of redistribution of produce on the threshing floor under the control of the cultivator, so the substitution of absolute measures for customary

measures undermined the autonomy of a village in the organization of its agriculture.

To conclude the discussion of linkage between different registers, the 1853 household census registers provide the main counterpart in our analysis to the revenue registers. The question of their 'accuracy' should not be avoided. Certain features of the census are no doubt inaccurate. The 20-village core sample contained 1479 households and a population of 6191 (averaging 4.19 persons to a household), composed of 2233 men, 1802 women, 1324 boys and 832 girls.<sup>43</sup> The ratio of men to women was 1.24 but of boys to girls 1.59. In one village (L-187), however, not only was the average size of a household abnormally low at 2.98, but there were only 11 girls registered in a population of 364, with the ratio of boys to girls 6.4 to 1. This is absurd. The internal composition of households in L-187 showed little variation from (1-1-0-0) or (1-1-1-0) as stereotype (one man, one woman and either no children or one boy). On the other hand households do not seem to have been omitted altogether, for the registration in L-187 was at least as accurate as in other villages: only one proprietary family cannot be linked to a household, against 61 that can.

In the 20-village core as a whole, out of 989 registered proprietors 936 can be linked or identified with 744 households enumerated in the household censuses, leaving 53 proprietors unlinked, corresponding to what I would estimate as 35 households. Some cases of non-linkage are genuine, in the sense that the proprietors concerned lived outside the 20-village core. For instance L-180, a newly-established village, was hardly inhabited in 1853 by the proprietors. The 18 registered proprietors of L-180, belonging to 8 different families, probably made up (on genealogical considerations) 11 separate households, of which two can be traced in the household census of the village and another six in the census registers of neighbouring villages: one lived in neighbouring L-177, one lived in L-178, and four (belonging to a single family) lived

<sup>43</sup> See Table 3.1 on page 95 below.



in a particular alley in the town of Ludhiana. The place of residence of the remaining three households has not been discovered. However I have not counted the six households of L-180 proprietors living outside the 20-village core as linked, in order to preserve the census as basis for discussion of population figures. On the other hand the ten or so proprietors who owned land in one village of the sample and lived in another have been taken as linked. As Table 5.2a shows on page 212 the vast majority of landholders in the 20-village core lived in the village where they held land.

Instances of the accuracies and inaccuracies of the 1853 household census will be mentioned as they occur in the course of the text. As far as the listing of households is concerned the census may be taken as accurate. Unlike registration of cultivators census enumeration was conducted from the bottom upwards, i.e. by going from house to house according to a definite system and by registering household composition as the survey proceeded. Whence the importance of the village-site map. An instance of an alternative procedure of enumeration was the 1848 household census of L-81, in which households were listed in exactly the same order that cultivators were listed in the revenue registers, a consequence of which was that the family which owned L-79 but lived in L-81 was missed out.

## Chapter 3

### Local networks: non-agriculturalists in 1853

In the previous chapter some broad features were sketched of the locality of Ludhiana just before British rule, but the emphasis was more on the administration of land revenue and on the form and function of the Settlement records. In the present chapter the character of the chosen locality will be brought closer to view. This is in order to establish a comparative base for the subsequent analysis of landholding patterns in different villages of the locality. The general composition of landholding groups in the locality will be presented first. Four kinds of networks will then be considered through which villages were linked both to each other and to the local commercial and administrative centre of Ludhiana town as well as to regional centres outside the locality. First are the revenue assignments, which linked villages to particular religious institutions and to particular nominees of former Sikh rulers. Second, within a much tighter compass, are the relationships between cultivators and non-cultivators. Villages varied in size and complexity. In larger villages there might be a wide range of non-cultivating specialists. But what did farmers do in villages without a carpenter or blacksmith if they wanted a plough repaired? A tabular statement of the composition of villages in terms of caste gives some indication of this. Third are the grants of land which farmers — as opposed to rulers — made to non-agriculturalists on the village commons. This requires a preliminary look at the structure of landholding

implicit in the field pattern of a village, independent of the official categories introduced by the British. Small grants of land also linked villages to local shrines and religious institutions. Fourth are the networks linking the families of village accountants (*paṭwārī*) and shopkeepers across the locality.

### 3.1 Maximal and core samples: delineation of the locality

Map 3.1 opposite shows the dominant landholding groups of each village-estate in the northern half of Ludhiana *tahṣīl*.<sup>1</sup> The map also outlines the locality studied: an outer 'maximal sample' and an inner 'core sample'. The maximal sample contained 84 village-estates, including the 15 urban estates of Ludhiana town.<sup>2</sup> The core sample contained 20 villages lying immediately to the north-east of the town.

The division between the northern part of the map and the southern part runs along the 'high bank' of an old course of the river Satluj (called the *Buddhā Nālā*) and separates the low-lying area (*beṭ*), between the 'high bank' and the

<sup>1</sup> For most purposes the term village is appropriate, although technically *mauza* meant no more than a separate unit of revenue administration (NWP 1844:para.5 and Douie 1899:para.123). Most *mauza* in the Panjab plains had a single residential site, located in the middle of a single bounded stretch of land. For the divisions of a town the term estate or parish would be more appropriate. In the hills a *mauza* might include a number of separate hamlets (Parry 1979:21).

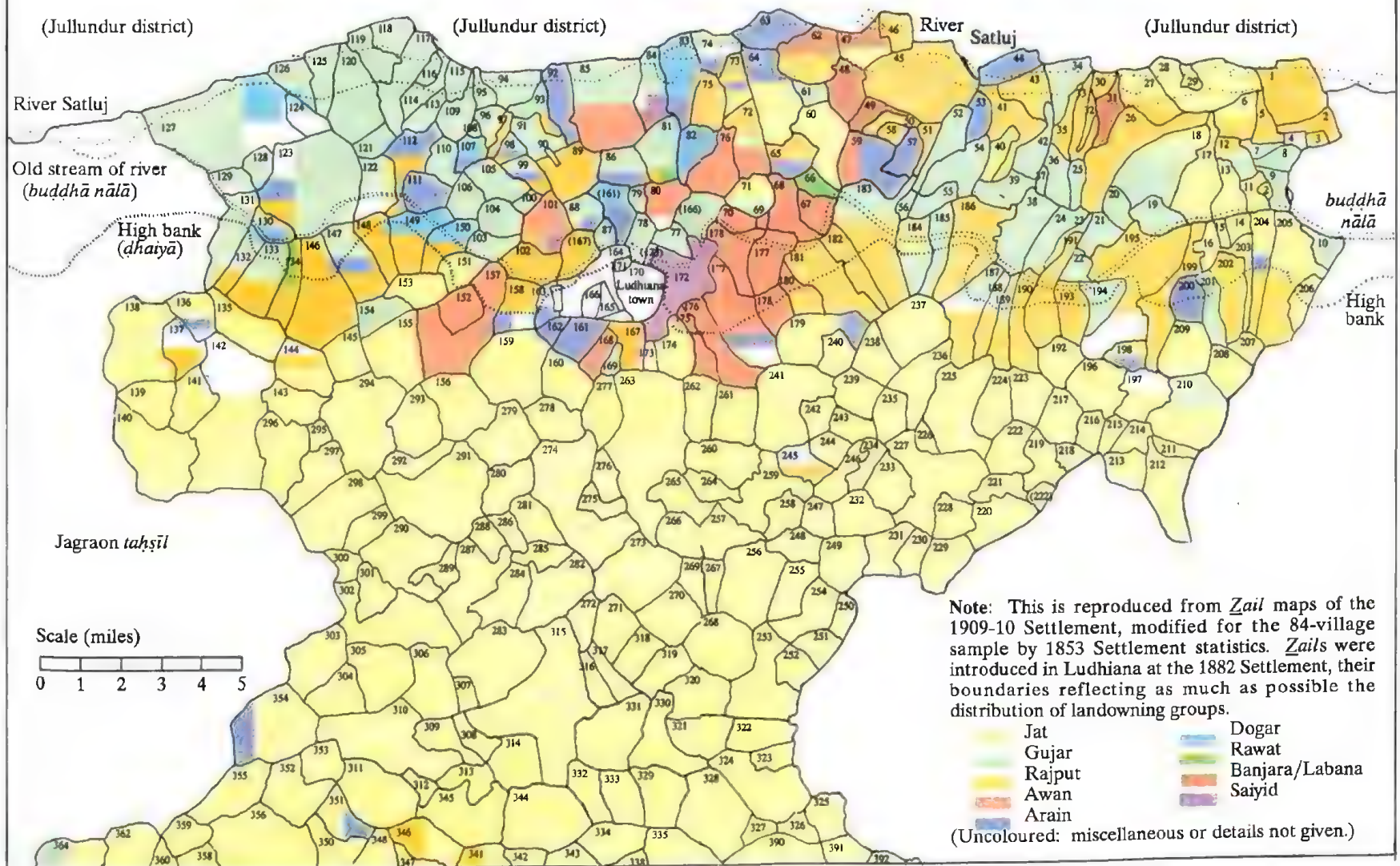
The names of villages in the maximal sample are given in Appendix C: L-38 to 89, 101-2, 152, 157-8, 161-178 and 180-188.

<sup>2</sup> The 15 urban estates were L-77, 78, 87, 161-2 and 164-173. Two of these were government estates (L-165 and L-171, comprising the area around the district courts and the area inside the fort respectively). L-170 comprised the town's residential quarters, whose gardens were assessed for the first time at the 1882 Settlement. The rest belonged to different sets of people resident in the town. L-164, 165 and 171 were formed in 1856 when the old cantonment was broken up and auctioned. Bits of the old cantonment were purchased (or repurchased) at the same time by owners of L-161, 162, 163, 166 and 167. L-161, 162, 166, 167 and 173 consisted of separate blocks of land, one on the 'high bank' and one in the low-lying area by the *Buddhā Nālā*.



# TAHŞİL LUDHIANA

Boundaries and *haddbast* numbers of village estates at the 1909-10 Settlement



Map 3.1 Dominant landholding group per village, northern half of Ludhiana *taḥṣīl*, 1853.

present course of the Satluj, from the higher land (*ḍhaiyā*) to the south. The 'high bank' is given much greater prominence by the social map than it would be given by any map of natural features, since the elevation is never more than 50 feet yet the bank marked a social division between two zones. *Beṭ* villages and villages on the bank itself were predominantly Muslim, while *ḍhaiyā* villages were almost all owned by Hindu or Sikh Jats. My maximal sample lies entirely within the predominantly Muslim sector, and was chosen because villages of the *beṭ* were smaller (more amenable to analysis) and because the revenue records were easily accessible, having been infrequently used since 1947.

Apart from the urban estates, the villages of the maximal sample belonged mostly to different Muslim groups, chiefly Rajputs, Awans, Gujars, Arains and Muslim Jats. A few villages belonged to Dogars (L-82,  $\frac{3}{4}$  of L-83), Pathans ( $\frac{1}{5}$  of L-158) and Rawats (L-66); and a few to Hindu Banjaras ( $\frac{1}{3}$  of L-44,  $\frac{3}{4}$  of L-47, L-48, L-49 and  $\frac{1}{2}$  of L-62) and Hindu Jats ( $\frac{1}{4}$  of L-47,  $\frac{1}{4}$  of L-64,  $\frac{1}{2}$  of L-73, and L-174). Saiyids, Faqirs, Brahmans and miscellaneous other groups owned land in several villages, often not as full shareholding members of the proprietary community and never in a majority.

The villages straddling the 'high bank' itself were supposed to be among the oldest of the district, like the town of Ludhiana. Many of these belonged to Muslim Rajputs, some of which made extravagant claims to antiquity at the 1882 Settlement.<sup>3</sup> Around Ludhiana town there was a cluster of Awan villages, the oldest of which were probably L-157 and L-178, supposedly founded during the reigns of Humayun and Jahangir respectively. Other Awan villages were founded either by fission (L-152 from L-157, and L-177 from L-178, both pairs of villages having a common village site), or by separate colonization from the parent villages. Of the estates of Ludhiana town L-172 and L-173 both dated

<sup>3</sup> L-182 and 183 claimed to have been founded at the time of Muhammad Ghori, at the end of the 12th century. The 1882 Genealogy of Proprietors for L-183 was 15 generations deep, the deepest in my sample, but shows a marked difference in form between early generations and the last four or five generations. See Map 4.4 facing page 150 below.



from the Mughal period, the former belonging to a family of Saiyids who looked after one of the town's principal religious establishments (*khānqāh*), and the latter to a family that had traditionally supplied the chief *qāzī* of the town.

According to the 1882 village histories, which were recorded as part of the Genealogies of Proprietors, the majority of villages of the maximal sample dated their foundation (or refoundation) with reference to the year of *Sambat* 1840, equivalent to 1783 A.D. For much of North India this had been a year of terrible famine.<sup>4</sup> The 1882 village histories refer to S.1840 instead as the year when the river Satluj changed its course; and the era generally is referred to as years of 'looting and killing'. Whatever the exact reasons, conditions may be taken to have been unsettled during the last quarter of the eighteenth century, after the defeat of the Delhi and Maratha forces in 1761 by Ahmad Shah Abdali. Families in villages with a claim to more ancient foundation had been dispersed, the proprietors — that is, those for whom the 1882 histories and genealogies served as charters of their rights — returning only after the river had 'changed course'. Villages founded after S.1840 are said typically to have been founded on vacant, scrub land, the ancestors of the present proprietors being settled on the land by one of the local rulers; both parts of such a statement of course legitimated the existing proprietors' own claims to land. It is to local rulers and revenue assignees that the following section turns.

### 3.2 Revenue assignments at the start of British rule

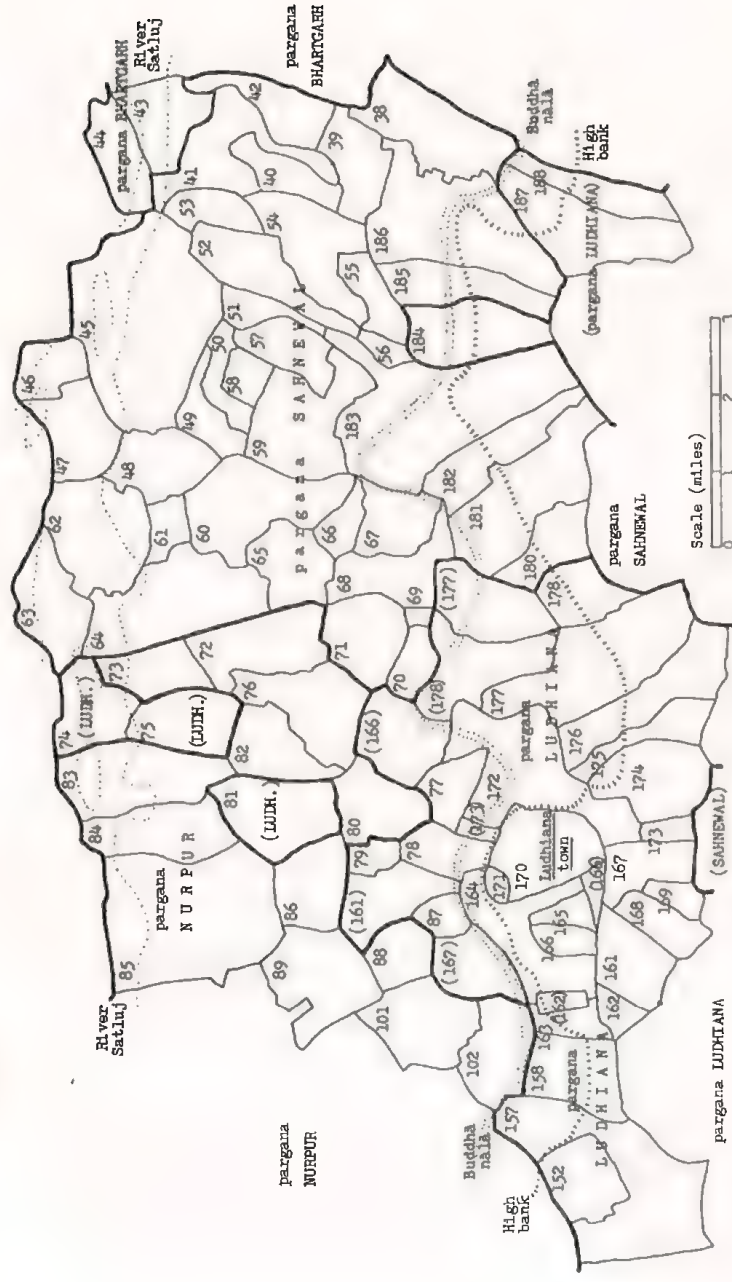
The local ruler most often mentioned in village accounts of *pargana* Sahnewal, as responsible for resettling villages after S.1840, is Sada Singh Gill. At the end of the eighteenth century when the Rais of Raikot held much of the plain between Ludhiana and Raikot to the southwest, the lower lying land of Ludhiana *bet* was divided between Sada Singh

<sup>4</sup> Stokes (1983:45).

to the east and Tara Singh Kakar "Ghaiba" to the west. When Ranjit Singh pushed the Rais back to the area immediately around Raikot in 1806, Sada Singh and the successors of Tara Singh were reduced to *jāgīrdārs* of Lahore. Their descendants still held *jāgīrs* in the *bet* at the start of British rule. Dip Singh Kakar held the *jāgīrs* of L-84, 89, 95, half of 102, half of 118, 149, 150, 151 and 153, for which he had to provide 9 horsemen. 'Atar Singh Kakar held the *jāgīrs* of L-85, L-86,  $\frac{3}{5}$  of S-93 and  $\frac{3}{5}$  of S-103, for which he provided  $4\frac{1}{2}$  horsemen. The widow of Khaur Singh Kakar held L-88 and half of L-101, and other members of the Kakar family held *jāgīrs* in *pargana* Nurpur outside my maximal sample. The *jāgīrs* of both Dip Singh and 'Atar Singh were continued by the British after 1846 as reward for service during the First Sikh War, the provision of horsemen being commuted to a cash payment of Rs.16/= a month for each horseman.<sup>5</sup>

On Sada Singh's death his widow was granted the *jāgīr* of five villages by Ranjit Singh, for which 15 horsemen had to be provided. She adopted her sister's son, Sadhaur Singh, and his father's younger brother, Chaman Singh. On her death the grant was divided between these two and Daya Singh, the son of Sada Singh by another woman. Daya Singh held L-41 and L-45 until his death in 1835 without male heirs, when the villages were resumed by Lahore and granted to the Lahore agents at Ludhiana, Rai Gobind Jas and his brother Kishan Chand respectively. Chaman Singh held L-64 and L-220; Sadhaur Singh held L-62. Chaman Singh's *jāgīr* was continued by the British after 1846 for the same reason as the Kakar *jāgīrs* mentioned above. L-62, however, was resumed since Sadhaur Singh fought against the British.

<sup>5</sup> For the division of shared villages between Lahore and the British in 1839 see Board's Collections no. 80499. For revenue assignments in *pargana* Ludhiana, recommended in 1842, see Board's Collections no. 91066. For revenue assignments in territory acquired by the British after the First Sikh War see India Political Consultations, 1847, 31st December, Part 6, nos. 1853-9.



Map 2.2: Revenue assignments at the start of British rule, 84-village sample

### General history

*Pargana* Luthiana was taken by the British from Jind in 1835 by escheat.

*Parganas* Bhartgarh, Sahnewal and Narpur were taken by the British from Lahore in 1846 after the 1st Sikh War.

L-70, 101 and 102 were shared by Lahore and Ladwa (whose principal fort was at Baddowal, L-294). Ladwa territory was taken by the British after the 1st Sikh War.

1853 Settlement operations were conducted *pargana* by *pargana*. The isolated villages of *pargana* Luthiana (L-74, 75, 81, 184, 187 and 188) were transferred to *parganas* Nurpur or Sahnewal afterwards.

### Military *jāgīrs* and *jāgīrs* for service

Rai Kishan Chand	L-39, 45, 60, 71
Rai Gobind Jas	L-41, 47
Sadhaur Singh	L-62
Chaman Singh	L-64
Lahna Singh Majithia	L-72, 76, 83
Fatah Singh and cosharers	L-73

Dip Singh Kakar	L-84, 89, 1/2-102 (Lahore)
'Atar Singh Kakar	L-85, 86
Rup Kaur, widow of	
Khaur Singh Kakar	L-88, 1/2-101 (Lahore)
Gulab Singh Mansaya	L-157

### Religious assignments

L-38: 3 Faqirs of Dera Baba Nanak  
 L-51, 75: Accountants of the Golden Temple, Amritsar  
 L-53: A Brahman of Pehowa who performed funeral ceremonies of Maharaja Ranjit Singh  
 L-61: Radha Kishan, a Brahman of Lahore  
 L-66: A Brahman of Nur Mahal  
 1/2 L-70 (from Ladwa), 1/2-101 (Ladwa), 1/2-182 (Lahore):  
 Guru Sadhu Singh Kartarpuria

L-79, 81: Bharpur Singh Bedi

L-80: 1/2 to the Gurdwara at Sirhind (from Lahore), 1/2 to  
 Devi Singh Nanakpotra (from Jind)

L-168: Mian Bute Shah, the sole proprietor

L-174: Bhai Sukh Singh, a priest at Amritsar

L-184: Sodhi Uchhal Singh of Anandpur

L-188: Bhai Mohr Singh of Bagrian

Assignments continued by the British: L-64, 73, 84 etc. (Dip Singh), 85 etc. ('Atar Singh), 157, 1/2-80 (the Gurdwara at Sirhind), 168.

Some assignees received compensation (L-38, 53, 1/2-182, 184).

Some assignments in *pargana* Luthiana were initially continued by the British but lapsed on the death of the assignees after 1845 (L-75, 79, 81, 188).



Aside from the descendants of former local rulers there were ten other service or military *jāgīrs* in the Lahore *parganas* of Sahnewal and Nurpur, within my sample, and one in the Jind *pargana* of Ludhiana. These are shown in the map on page 90. Between them, Gobind Jas and Kishan Chand held six villages, all of which were resumed by the British after the First Sikh War, L-39, 41, 45, 47, 60 and 71. Lehna Singh Majithia, a prominent Lahore chief, held L-72, 76 and 83, which were likewise resumed. Gulab Singh Mansaya held L-157 under Jind, for the provision of ten horsemen. Finally L-73 was in *jāgīr* to a family of resident Sikh proprietors. Both L-157 and L-73 were continued by the British, the latter again because the family sided with the British in the First Sikh War.

Some of these military *jāgīrs* were to prominent local men. Chaman Singh lived in L-64 and held land there. 'Atar Singh lived in L-85 and had a garden there. The L-73 *jāgīrdārs* were resident proprietors. Both Chaman Singh and 'Atar Singh also had houses in Ludhiana town, like many other *jāgīrdārs* from both cis-Satluj and across the river in Jullundur, reflecting the growth of Ludhiana as a regional administrative centre during Wade's tenure as Political Agent.

Assignments of the revenue of villages were also granted to prominent men of religion. These grants linked the locality with key institutions of Panjab society, particularly with institutions connected with the Sikh religion. The only local assignment of this sort was L-168 to Bute Shah, who was also the sole proprietor of the estate. Bute Shah was an Awan, like the proprietors of several villages immediately surrounding Ludhiana town, in many of which he had been granted small plots of land by the proprietors from out of the village commons (L-59, 67, 70, 76, 80, 157, 176 and 178; also L-78).<sup>6</sup> Thus, just as grants of the revenue of villages by rulers reveal links between a locality and a wider region, so

<sup>6</sup> Bute Shah was the author of a history of the Panjab, *Ta'rikh-i Panjāb* and had been employed in the Ludhiana Agency during the time of Murray. See Gupta (1952:341).

the grant of land, or of the produce from a certain amount of cultivation, by village landholders reveals links between villages and local centres. This theme will be developed in Section 3.4.

### 3.3 Recently founded villages; complexity of village composition

Four villages in the 20-village core sample were founded much more recently than *Sambat* 1840, L-55, 56, 180 and 185. These villages were all founded at about the same time in the mid-1830s, "with the permission" of the then *kārdār* of *pargana* Sahnewal, Rai Kishan Chand. Three were founded as offshoots of other villages: L-55 from L-54, where the founders of L-55 had held 11 ploughs of land; L-180 from L-181, where the Rajput founders of L-180 had held  $\frac{1}{4}$  of the village; and L-185 by proprietors of L-184 on land belonging to L-186. Only L-56 was founded by an outsider — and refounded after temporary abandonment because of the severity of the revenue demand — on land belonging to L-183. At the Summary Settlement, L-55 was settled jointly with L-54, L-56 with L-183 and L-185 with L-186. In 1882 the proprietors of L-185 were still paying a *ta'alluqdārī* fee of Rs.2/= per annum to one of the headmen of L-186.<sup>7</sup>

<sup>7</sup> The historical accounts of the 1882 Genealogies and of Gokul Kumar in 1851 sometimes differ markedly, not just because of differences of form or function. The 1882 accounts represent the more "authorized version", in the sense that village founders' origins are more often related to Great History rather than Little History (to adapt Redfield's distinction): for instance, the 1882 accounts of L-182 and 183, mentioned in footnote 3 above; or the claim of the proprietors of L-213 to have originated from Ghazni rather than, as in Gokul Kumar's account, from the village next door, L-212. Where accounts do differ substantially I give extra weight to Gokul Kumar, not because he too was not working to a formula, but because he was tapping local knowledge, which at the time was unknown to the British authorities, in a way that was no longer possible in 1882.

In the case of L-185 the differences reveal a source of ambiguity over the colonization of waste land. L-184 belonged to *pargana* Ludhiana, which came under British rule in 1835. L-186 belonged to *pargana* Sahnewal,

In general terms the size of a village in 1853 was related both to its complexity of composition and to the duration of habitation. Table 3.1 opposite shows the caste composition of villages of the core sample in 1853. The village with the least population was in fact not the most recently founded but the smallest in area. L-69 was little more than the farm of two Awan brothers, comprising 47 acres of which 34 were cultivated in 1853. The brothers traced their descent nine generations back to one of the seven sons of the founder of L-67, who in turn had been sixth in line from the founder of L-178. Continuous occupation of the site was said to have been broken during the period when the river changed its course. The third Awan householder of L-69 in 1853 was also an agriculturalist by occupation but cannot be linked with a registered holding of land in any of the surrounding villages. L-69 breaks all the rules of joint colonization and cooperative agriculture.

Lahore territory. The Gokul Kumar of L-185 says that the founder had taken Wade's permission in 1836, and that the land of L-185 had been a part of L-184, but that when the boundaries were adjusted between Lahore and the British L-185 was deemed to belong to Lahore. The 1882 account, by contrast, says that the founders paid a tribute (*nazrāna*) of Rs.300/= to Rai Kishan Chand and that the land had formed part of L-186. In a sense these accounts may not contradict each other. Where boundaries were determined by the allegiance of the revenue-paying units rather than by a line on a map there was scope for misrepresentation — even perhaps for landholders to play one ruler against another.

(cont. from Table 3.1 opposite) classed as "tied labourers" is that they invariably lived in quarters outside the main residential area of a village; and the common element to those classed as "faqirs" is that the *mu'āfīdārs* of a village usually belonged to them. It is impossible to get away from the classification by caste, given the manner in which the records were prepared. See Table 5.2 on page 212 for the classification of households by landholding status and caste. The 1853 Census gave few details of actual occupation and registered a household's religion as only Hindu or Muslim. (Among villages of the maximal sample "Sikh" was entered as a caste in L-73 and L-85, in both cases referring to the families of the *jāgīrdārs* of those villages.) For obvious mistakes in registering caste see examples cited in the text.

(b) For groups of which some households were Muslim and some Hindu an asterisk\* indicates Muslim.

TABLE 3.1 Caste composition of 20-village core sample, 1853, by households

	Total	55	56	59	60	65	66	67	68	69	70	71	180	181	182	183	184	185	186	187	188
<b>Farmer</b>																					
GUJAR (M)	234	23	8	-	1	-	-	5	1	-	1	9	-	6	-	77	39	4	6	53	1
RAJPUT (M)	238	-	-	2	-	14	-	-	2	-	1	4	4	36	60	-	-	48	16	15	
ARAIN (M)	156	-	-	92	1	6	-	-	5	-	-	-	-	6	19	-	12	10	-	3	2
JAT (M)	220	-	-	4	123	-	-	-	-	-	-	45	-	1	2	-	30	1	7	-	7
AWAN (M)	141	-	-	17	-	-	-	52	50	3	19	-	-	-	-	-	-	-	-	-	-
DOGAR (M)	9	-	-	-	-	-	-	-	-	-	-	-	-	1	8	-	-	-	-	-	-
RAWAT (M)	22	-	-	-	-	-	22	-	-	-	-	-	-	-	-	-	-	-	-	-	-
PATHAN (M)	1	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total	1021	23	8	115	125	21	22	57	58	3	21	58	11	70	38	149	79	5	64	71	23
<b>Tied labourer</b>																					
BAURIYA (H)	30	5	-	-	-	-	-	-	-	-	-	-	1	10	-	-	-	6	3	5	-
CHAMAR (H)	149	-	2	12	9	-	2	7	23	-	1	9	3	16	8	23	11	-	8	15	-
CHUHRA (H+M)	22	-	-	-	-	-	-	-	-	-	-	-	-	-	2	2	5*	2	-	8	2
BADDU (M)	2	-	-	1	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-
Total	203	5	2	13	9	-	2	7	23	-	1	9	4	28	10	29	13	6	19	22	1
<b>Artisan/service</b>																					
Water-carrier (M)	41	-	-	4	2	-	-	3	8	-	1	1	1	1	1	8	2	-	4	3	2
Barber (M)	22	-	-	1	2	-	1	1	2	-	-	1	1	2	-	3	3	-	3	2	-
Carpenter (H)	16	-	-	1	2	1	-	1	1	-	-	1	1	-	1	3	-	-	2	1	1
Blacksmith (H+M)	17	-	-	1	-	-	1*	1	1	-	1*	1*	-	2	-	2	4	-	2*	1	-
Goldsmith (H)	8	-	-	1	1	-	-	-	-	-	-	-	-	-	-	1	1	-	2	2	-
Oil-presser (M)	6	-	-	-	1	-	-	-	-	-	-	-	-	-	-	3	-	-	1	1	-
Washerman (H+M)	8	-	-	-	2*	-	-	-	-	-	-	-	-	-	1	3	-	-	2	-	-
Cotton-carder (M)	3	-	-	-	1	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	1
KASHMIRI (M)	4	-	-	2	-	-	-	-	-	-	-	-	-	-	-	1	1	-	-	-	-
Potter (M)	3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	2	-	-	-	-
Weaver (M)	25	-	-	3	-	-	2	-	-	-	1	-	-	1	-	5	2	-	8	2	1
Total	153	-	-	13	11	1	4	6	13	-	3	4	3	6	3	30	15	-	24	12	5
<b>Faqir</b>																					
SAFIYID (M)	9	-	-	1	-	3	-	-	-	-	-	-	-	-	-	-	-	-	2	-	3
FAQIR (M)	53	1	1	2	4	3	1	5	1	-	2	3	-	-	1	4	2	1	4	11	7
BHARAI (M)	9	-	-	-	-	-	-	-	1	-	-	-	-	-	2	-	1	1	-	3	1
MIRASI (M)	13	-	1	5	-	-	-	-	2	-	1	-	-	-	-	1	-	-	2	1	-
Total	84	1	2	8	4	6	1	5	4	-	3	3	-	2	1	6	3	1	8	15	11
<b>Shopkeeper</b>																					
BRAHMAN (H)	3	-	-	1	-	-	-	-	-	-	-	-	-	1	-	-	1	-	-	-	-
KHATRI (H)	11	-	-	-	1	-	-	-	-	-	-	-	-	1	-	3	1	-	2	2	1
SUD (H)	3	-	-	-	-	-	-	-	1	-	-	-	1	-	1	-	-	-	-	-	-
BANIYA (H)	1	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total	18	-	-	2	1	-	-	-	1	-	-	-	1	2	1	3	2	-	2	2	1
Total Muslim	1223	24	10	134	137	27	27	66	73	3	27	64	13	76	40	182	92	6	90	94	38
Total Hindu	256	5	2	17	13	1	2	9	26	-	1	10	6	32	13	35	20	6	27	28	3
Grand total	1479	29	12	151	150	28	29	75	99	3	28	74	19	108	53	217	112	12	117	122	41
<b>Average size of household</b>																					
	4.19	5.2	4.6	4.4	4.5	4.3	4.5	4.3	3.9	3.3	4.4	4.5	4.1	3.5	3.9	4.4	4.7	3.9	3.9	3.0	4.7

Note: (a) Figures have been taken from the household census registers of the 1853 Settlement. Castes have been grouped by 'traditional occupation', which in many ways is inappropriate. Capital letters indicate untranslated categories, which in some cases is also open to question. Thus the common element to groups



At the other end of the scale the village with the most population, L-183, also had the largest complement of castes, including 10 'service' castes.<sup>8</sup>

If one were to place villages along a single continuum of expansion by the development of internal services — measured by the presence of separate castes rather than, say, by the existence of a village council or of a mosque — then Faqirs (including the Arain Faqir of L-180 and the Rajput Faqir of L-181) were found in the greatest range of villages, followed by Chamars. The four principal service castes of carpenter, blacksmith, water-carrier and barber were the next most frequent. Then came the shopkeeper, weaver and goldsmith; and finally more specialized groups like oil-pressers and potters.

In order to classify occupations it may be helpful to think of the different specialists against a three-dimensional set of axes. The first axis is bipolar, between harvests and weddings, or between agricultural production and domestic reproduction. The second axis distinguishes the arena in

<sup>8</sup> The occupation of the Kashmiri in L-183 was given as labouring (*mazdūri*), like the Kashmiris in L-59. But the Kashmiri in L-184 was given as a cotton-carder in the *atrāfi*-register; and the cotton-carder in L-188 was given in the tenant register as a Kashmiri Mughal. For this reason I have grouped Kashmiris with service castes in the Table.

The general correspondence of caste classification between the household census and the landholding registers of 1853 is good. Three kinds of differences arise. In L-80, out of 50 Awan proprietary householders 26 were returned as Arain in the census, three as weavers and two as cobblers: in one family alone, three brothers were all returned differently, none of them as Awan. This is extreme and deviant. Within the core sample there are two cases of water-carriers (according to the *atrāfi*-registers) recorded in the census as Rajputs, one in L-181, the other in L-184. This I regard as innate to the classification of occupations as castes. Thirdly there is genuine change of appellation, particularly relating to Faqirs. Faqirs were enumerated as Rajputs in L-71 and 181, and as Arains in L-59, 180 and 181. The Rajput Faqir of L-181 belonged to a Rajput landowning family of L-65, who succeeded his mother's father, a Chishti Faqir, on a small revenue-free plot in L-181, thereby forfeiting his patrimony in L-65. Other cases are recorded, both on the 1882 Genealogies and in the 1853 registers, of someone becoming a Faqir and abandoning his proprietary rights, but nowhere with the same detailed cross-references within the locality.

which the services circulated, between the private or purely domestic on the one hand and the outside economy on the other. The third axis is between specific services, on a one-to-one basis, and general services which carried a lower standing. Weavers, for instance, — or shopkeepers — were almost never mentioned in the clause of the *wājib-ul-'arḥ* concerning village services, and it is they who most often occurred in the *atrāfi*-registers of village trade taxes. By contrast, the services of a goldsmith were essential at weddings, though not to any part of agricultural production, and his rights and duties were always recorded in the *wājib-ul-'arḥ*. Carpenters and blacksmiths were like goldsmiths in being specific, but opposite in that their services more concerned agriculture (but also the repair of houses). The services of the water-carrier and barber were more domestic and were essential at weddings. Finally the services of both Faqirs and Chamars, the most frequently occurring groups according to our table, were more general. The Faqir maintained a *huqqa* and water at the village sanctuary (*takīya*) for the refreshment of travellers; he saw that a fire was always kept alight; but he also had the specific task of washing the dead, and in one village (L-188) his duties included what were called general domestic chores (*kār-i begār-i khāna*). The Chamars' duties were numerous and general, as outlined earlier.<sup>9</sup>

<sup>9</sup> Page 69 and fn.31. In some villages a distinction was made between work that was described as *begār* and work that was described as *sep*. For instance in the 1853 *wājib-ul-'arḥ* of L-59 [my rough translation]: "Chamars have resided in the village from antiquity; in respect of *sep* we give them 4 *ser*s of grain for every *man* of the whole produce, and we require a pair of shoes from them for every man in each *khewatdār*'s house, as well as the leather skins used in irrigation from wells (after providing half the cost), for which they take the hides of all dead cattle; in respect of *begār* they are given 3 *kachchā man* of grain per full ploughing team every year, half at the spring harvest and half at the autumn, as well as 20 *ser* from every threshing floor, and we take from them ... [leather thongs etc.]; it is their responsibility to repair shoes, to stitch the leather used in pitchforks, netting etc., to carry loads, and to run errands and act as watchmen for any government official who visits the village; they also [i.e. *begārīs*] take the hides of dead cattle but have to provide a pair of shoes to the owner for

In 1853 noone was enumerated in villages of the core sample as a *qāzī*. But in the 1882 *wājib-ul-'arṣ* the rights and duties of a *qāzī* were recorded for several villages, among them L-59. The *qāzī* conducted marriage ceremonies and received both a cash payment at weddings (of a rupee for the marriage of a virgin, and half a rupee for a widow) and some grain at harvests. Thus the *qāzī*'s services, paralleling those of a Brahman, are located according to our schema as specific, domestic and oriented towards domestic reproduction. The model does not need a fourth dimension to account for distinctions based on religious sanctions.

every hide; and at the wedding of either a boy or a girl, whichever of them collects the firewood and stokes the fire, plasters the house, grinds 20 *kachchā ser* of grain from the third day to the days of the wedding, and carries the wedding goods with the wedding party, then if it is *begār* we give half a rupee and if it is *sep* one rupee and a quarter; and for carrying the wedding goods whatever they receive from the other side is their's, and for as many days as the wedding party stays all members of the Chamar's household are fed; food is also given to whoever does the plastering and grinding every day of the work; and whoever does household work for a headman or a *khewāṭdār* is fed; and one *begārī* has to accompany any *panchāyat* that has work somewhere, when also he will be fed."

This is the most detailed account in 1853 where the distinction occurs between *sep* and *begār*. Other accounts in 1882 or 1848 do not make the distinction any clearer. For instance the 1882 *wājib-ul-'arṣ* of L-59, after describing the rights and responsibilities of Chamars generally, adds: "These apply only to *begār*, whoever does *sep* work is paid separately on fixed daily wages (*mazdūrī muqarrara*)." The word *sep* is only ever used in opposition to *begār* and concerning Chamars. The word *begār* is mostly used concerning only Chamars but occasionally also concerning the work of other castes, for example that of Faqirs in L-188, cited above, and also of water-carriers in the same 1882 *wājib-ul-'arṣ* of L-188.

Kessinger (1974:55,n.12) advocates the use of the term *sepīdārī* system as the Panjab equivalent of the *jajmānī* system. This is fine so far as it goes. But it seems to me from the use of the various terms in the records that a blanket term to cover all service relationships within a village obscures differences in the way relationships and tasks were conceived, and accepts without question that only one system was involved. This is quite apart from trying to untangle the effects of 100 years of administrative engineering or political and academic idealization. See also Saghir Ahmad (1977:66ff.) and Eglar (1960:32,35).

To return to the idea of villages developing in complexity as their population expanded, how did small villages manage which lacked the basic complement of service castes? The *wājib-ul-'arṣ* of 1882 did not for the most part mention the rights and duties of castes that were not resident in the village. An exception is that potters of L-51 provided whatever pots were required (particularly at weddings) by the landholders of L-59, for which they were paid at a piece-rate. Further, it was sometimes mentioned in the clause of the 1853 *wājib-ul-'arṣ* concerning *begār*, for villages without resident Chamars, that the services of Chamars were obtained from neighbouring villages. Thus the cultivators of L-188 took the services of the Chamars of L-187 on the same terms as if they had been resident in L-188 (that is, giving them something in cash at weddings and in kind at harvests). The L-55 cultivators, on the other hand, paid Chamars of L-54 a daily wage (*mazdūrī*).

### 3.4 Local networks: revenue-free grants

Service relationships extended to neighbouring villages only when they were not available within a village. Relations with religious institutions outside a village, by contrast, were often maintained in addition to the sanctuaries and places of worship within the village. It is these relations, formalized by the grant of land which the State might then declare exempt from revenue, that partially expose local networks, linking villages to certain noted centres.

The 1853 census listed shrines, sanctuaries or places of worship in virtually every village of the maximal sample. Only L-47, 69, 163 and 185 appear not to have had even a *chaupar* (pavilion or terrace) in which villagers could meet. Shrines to Pir Sultan Shah or Sultan Sarwar were identified in seven villages of the *bet* (excluding *pargana* Narpur, where details were not specific), L-38, 45, 57, 59, 62, 68 and 74.<sup>10</sup> Tombs of named saints were identified in six villages, L-62,

<sup>10</sup> Rose (1917 iii:435) and Oberoi (1987).



70, 80, 157, 158 and 177, of which those in L-157, 158 and 177 were called *khānqāh* and those in L-62 and L-80 *dargāh*. A *samādh* as well as a temple consecrated to a particular Hindu god existed also in L-62, on the banks of the Satluj. Although these details reveal something of social contours in the locality, the census registers are silent on the extent of use of the various shrines outside the village in which they were situated. The saints' tombs in L-157, 158 and 177 were certainly endowed with grants of land in other villages; and it can be assumed that many of the village sanctuaries were endowed with land within the village.

The most visible grants of land were those for which the revenue was exempt and for which a special register was kept at the district headquarters. But it is important to see the revenue-free grants side by side with those that did not attract revenue exemption. To do this we have to jump the gun a bit, to Chapter 5 and the muddle between categories of land and categories of holding.

Grants of land were almost invariably made from out of the village commons, that is from land not allotted to members of the shareholding community. Such land belonged to the general class of land which before British rule had not generally been assessed for land revenue, as it was then defined.<sup>11</sup> The exact way commons had 'belonged' to a village, rather than to the State, is not entirely clear: it depended on the extent of the waste, on the one hand, and on the relative power of the State, on the other hand.<sup>12</sup> In any case, only allotted land had been assessed, and it had been the purpose of the allotment system to maintain a fair distribution of all qualities of land amongst shareholders in

<sup>11</sup> Moreland and Ali (1918:23) wrote that measurement (*paimā'ish*) seems not "to have extended to the uncultivated land of the village" during the Mughal period.

<sup>12</sup> Campbell (1870:155) spoke of the whole country being "partitioned off into 'villages': "The village boundaries are known (if they are not the subject of feuds), and where one village ends another begins." But the issue of boundedness and its relation to different systems of taxation is not straightforward. See Bhattacharya (1986) on Settlements of forests in the Panjab.

order that each person's share of the revenue-burden be equitable. So far as we are able to judge, all income from village commons had been accounted as village revenue (*malba*), as opposed to State revenue (*mu'āmila*), and had been distributed over the shareholding community, like the State revenue, on shares.<sup>13</sup> This joint income included a share of the produce — call it rent — of all cultivation on the commons. It had been within the power of the shareholding community to exempt cultivation on commons from rent, just as at a higher level it had been within the power of the State to assign or forgo their share of the produce of cultivation. Typically small plots of land on the commons had been granted to village servants, such as the village carpenter, barber, water-carrier, watchman (*chaukīdār*) and Mirasi (bard/genealogist), in exchange for service. Land granted to the village *takīyadār* (person in charge of a sanctuary, or *takīya*), who was usually a Faqir, belong properly to this class of rent-free land. Properly the question of landholding status should not have arisen: the land was a part of the village commons.

When, under the British, all cultivable land became subject to assessment, including both cultivated and cultivable commons, most rent-free plots occupied by *takīyadārs* were exempted from revenue. Rent-free plots held by other village servants were usually not exempted, and there were some rent-free plots held by Faqirs which also were not exempt. In these cases, since the plots lay on the commons the proprietors would be jointly liable for the revenue even if

<sup>13</sup> In many villages the village expense account had acted as a reservoir from which could be met both the demands of the State and the common expenses of the village. See Rose (1852:para.48) and Fortescue (1820: paras.113-115). But for analytical purposes it is necessary to preserve the distinction between village taxes and State taxes. In the British scheme land revenue was not a tax at all but was based on a sovereign right to a share of the produce of all land (Douie 1899:para.1) — or at least of all cultivated land (Metcalf's Minute of 7th November 1830, in NWP 1872:209); the land could be assessed and the revenue liability of each individual proprietor could be determined; therefore the conduit of land revenue from proprietor to State did not need to flow through any village reservoir.

rent was not taken. There were rent-paying plots on the commons of course too — not a great number<sup>14</sup> — for which the proprietors would also be jointly liable for the revenue.

There is little in the records of the 1853 Settlement to indicate the landholding status of the occupants of revenue-free land. These occupants were simply "*mu'āfīdārs*" and their holdings were listed in the cultivation registers (*khataunī* and *terīj*) at the very end after totals had been struck of all the revenue-paying holdings. They were not listed in the register of proprietary holdings (*khewāṭs*) because they were not *khewāṭdārs*, the holders of revenue-paying units.<sup>15</sup> In the *wājib-ul-'arṣ* there was a clause in which the *mu'āfī* holdings were listed but which concerned only the rights of those who cultivated the plots, not the rights of the *mu'āfīdārs* themselves. Nor were they required to attest any of the Settlement proceedings, again because no revenue was involved. Only in the field register does one see that most *mu'āfīdārs* were entered in the proprietors' column. This is confirmed in the 1882 records, when the category *mālik-qabṣa* (owner of what he occupies) was applied in contradistinction to *mālik ḥiṣṣadār* or *mālik ma' ḥiṣṣa shāmilāt* (shareholding owner or owner with a share in the village common holdings). With one exception in the 20-village core sample the successors of 1853 occupants of revenue-free plots were recorded in 1882 as *mālikān-qabṣa*. The exception was in L-184 where the only *mu'āfīdār* in 1853 was a Faqir who also had a full proprietary holding on allotted land; in 1882 he was recorded as tenant at will within the village common holding, although the plot he occupied was still revenue-free.

The occupants of rent-free plots on village commons which were not revenue-free were not so lucky. They were returned unambiguously in 1853 as tenants at will or occupancy tenants. Reference to Table 5.2a on page 212

<sup>14</sup> See Table 5.1, page 190.

<sup>15</sup> In other words, in 1853 a *khewāṭ* was firstly a unit of revenue-liability and only secondly a unit of property, whereas later it was defined as a proprietary unit. See footnote 29, page 66 above.

below will show that in seven villages of the core-sample there were no households of resident *mu'āfīdārs* in 1853: L-55, 66, 68, 69, 183, 184 and 185. But in L-55 and L-66 there were Faqir tenants at will on village commons, and in L-68 there were occupancy tenancies on village commons held by a resident Faqir and a Mirasi. Structurally these could also have been *mu'āfīdārs*, their holdings exempt from revenue and registered as their personal property. In L-184 the resident *mu'āfīdār* was also a full proprietor and is shown on the table as such. In L-183 there were three *mu'āfī* holdings, of which two were in the names of residents of other villages and the third cannot be linked to a householder anywhere. Only in L-69 and L-185, the two smallest villages in population, were there neither *mu'āfī* holdings nor rent-free plots on village commons.

### 3.4.1 L-59: Grants inside the village and grants to non-residents

The field map of L-59 on the next page illustrates the above remarks. The uncoloured parts of the map represent the allotments of shareholders, who in this village were almost all proprietors and who were divided into two major divisions (or *paṭṭīs*) each of which had three subdivisions (*ṭholas*).<sup>16</sup> The coloured parts of the map represent the commons, of which some belonged to the village as a whole and some to one or other of the sections. Plots coloured brown were cultivated by tenants; plots coloured red were held by *mu'āfīdārs*. These plots were almost all located on the edge of uncultivated commons (coloured green); they were not a part of the shareholders' allotments nor were their occupants members of the shareholding community.

In 1853 there were six sets of *mu'āfīdārs* in L-59, of whom two were residents of the village. The *mu'āfī* plots lying closest to the village site were held by these resident Faqirs and both contained small shrines (*takīya*). In addition the

<sup>16</sup> The allotment of cultivated land to the different subdivisions of L-59 is discussed in Chapter 4 and is illustrated in Map 4.1 facing page 145.



resident Faqirs had revenue-free fields to the west of the village site, portions of one of which were cultivated by tenants. On the map these fields are identified by the numbers of the holdings: (64.)' was held by (67.) but was registered separately because its field lay within the bounds of the Awans' *paṭṭī*; similarly (50.)' was held by (71.), but their combined plot just to the north of the village site lay partly within the bounds of the Arains' *paṭṭī* and partly on the village commons; (68.) was held by the father's brother of (71.).

The four non-resident *mu'āfīdārs* of L-59 were as follows. (50.), whose fields lay on land of the Arains' *paṭṭī*, was held by the sister of a recently deceased Saiyid of Rahon (a small town on the other side of the river Satluj in district Jullundur). (66.) was held by Shaikh *mu'āfīdārs* of one of the urban estates of Ludhiana, L-87, and was resumed before the 1853 Settlement had been completed. (69.) was held by an Awan of L-177 for the upkeep of the mosque and school there. (70.) was held by Bute Shah, the Awan of L-168 who was mentioned on page 92; his strip of land in L-59 marked the boundary between one *paṭṭī*'s allotments and the other's. These last three *mu'āfīdārs* all held revenue-free land in other villages of the locality. Thus, the map of L-59 not only illustrates the basic division between allotted land and commons but it also, by association with revenue-free grants, links the reader to regional centres and to the criss-cross of ties between other villages of the locality.

Since this is the first field map to be illustrated, two general points may be noted in passing. Every square inch of territory had to belong to someone, either individually or jointly, and that person had to be registered in the revenue records. Streams, ponds, cart-tracks, roads: all had to be measured, mapped and given a number, to be registered within some proprietary holding or other. The map was a map between territory and people: one piece of land, one bounded domain, one set of people. The idea of such a map called for a particular vision of rights over land: landed property lay within fixed boundaries.

**Key:** Coloured portions represent commons or land not allotted to shareholders individually. Uncoloured portions represent the shareholders' allotments

- plots exempt from revenue (*mu'af*).
- plots cultivated in occupancy tenancies.
- plots cultivated in tenancies-at-will.
- uncultivated land.
- streams (dry for much of the year).



Map 3.3 L-59: *mu'at* plots and cultivation on commons, 1853.

General division of village, with holding numbers		
Araims' <i>pati</i> ( $\frac{2}{3}$ of village)		
<i>thola-a</i> ( $\frac{1}{2}$ of <i>pati</i> )	(1)-(25)	
<i>thola-a</i> common holding	(26)	
occupancy tenancy	(27)	
<i>thola-b</i> ( $\frac{1}{5}$ of <i>pati</i> )	(27)-(36)	
<i>thola-c</i> ( $\frac{1}{5}$ of <i>pati</i> )	(37)-(47)	
<i>tholas-b, c</i> common holding	(48)	
occupancy tenancy	(49)	
common holding of <i>pati</i>	(50)-(57)	
tenancies-at-will	(58)	
uncultivated	(59), (50)	
<i>mu'afidars</i> of <i>pati</i>		
Common holdings in Araims' <i>pati</i>		
(27) 3 Araim brothers, village residents, not owners		
(49) An Araim, resident of the village, not an owner		
(54) 5 Jat brothers, village residents, not owners		
(56) 5 Araim brothers, FBS of (37) and (42), b, c, d, residence unknown, not owners		
(55) (36), the only shareholder whose plots (nos. 47 and 74 nearby) did not fit into the allotment pattern		
(53) (42)		
(57) (47), brother of (42), a		
(51) (39)		
(52) (9), owner of one of the abutting strips		
(50) (6), owner of the abutting strip; also = (83)		
Village commons		
(80) 2 Rajput brothers and their BS, village residents		
(79) = (75)/(34); also cultivates (92) under (66)		
(81) = (76)/(35); also cultivates (91) under (66)		
(84) (53), an Awan shareholder		
(83) = (50)/(6), owner of the abutting strip		
(88) (45), owner of one of the abutting strips		
(82) (24), owner of one of the abutting strips		
(85) (11), owner of the abutting strip		
(86) (12), owner of the abutting strip		
(87) (18), owner of the abutting strip		
(89) (61), an Awan shareholder		
General division of village, with holding numbers		
Awans' <i>pati</i> ( $\frac{1}{3}$ of village)		
<i>thola-d</i> ( $\frac{1}{4}$ of <i>pati</i> )	(51)-(52)	
<i>thola-e</i> ( $\frac{1}{4}$ of <i>pati</i> )	(53)-(56)	
<i>thola-f</i> ( $\frac{1}{2}$ of <i>pati</i> )	(57)-(62)	
well shared by <i>tholas-e, f</i>	(63)	
common holding of <i>pati</i>	(64)	
tenancies-at-will	(75)-(76)	
uncultivated	(77)	
<i>mu'afidars</i> of <i>pati</i>	(64)	
Details of occupancy		
Common holdings in Awans' <i>pati</i>		
(75) (34), an Araim; also = (79) and (92)		
(76) (35), FBS of (34); also = (81) and (91)		
<i>Mu'afidars</i>		
(50) A Sayid widow of Rahon (across the river in Jullundur district), <i>mu'af</i> for her lifetime		
(50)' 3 Faqir brothers together with a co-disciple of the spiritual preceptor of their father and of (68), village residents, <i>mu'af</i> for the upkeep of the village mosque; = (71)		
(64)' A Faqir, resident of the village, <i>mu'af</i> for the upkeep of the village sanctuary ( <i>hakriya</i> ); = (67)		
(66) 3 Faqirs/Shekhhs, members of the <i>mu'afidars</i> family of L-87, residents of Ladhiana, <i>mu'af</i> for the upkeep of one of the main Ladhiana shrines		
(67) = (64)', q.v.		
(68) A resident Faqir, FB of (50)'/(71), q.v.		
(69) An Awan landowner of L-177, resident in L-177, <i>mu'af</i> for the upkeep of the mosque there		
(70) The Awan landlord and <i>mu'afidars</i> of L-168, resident of Ladhiana, <i>mu'af</i> for the upkeep of the mosque in L-177		
(71) = (50)', q.v.		
Of the <i>mu'afidars'</i> holdings, (50)', (67), (68), and (71.98) were cultivated by the <i>mu'afidars</i> themselves ( <i>khudvash</i> ), and the other holdings by village landowners/shareholders as tenants ((97), (99) and (100) as occupancy tenants, the others as tenants-at-will).		



The second point is that the way I have mapped holdings to bring out the latent structure of land use does not appear to have been a recognized technique of British land administration in India; and this prompts questions about the official uses of maps during the period. Field maps were maps between people and territory, but it seems that only the people were looked at. 'Land tenure' was about tenure, not about the land. It was the genealogy of proprietors which became the model of a shareholding community rather than the map of allotments. Once the field maps had been filed away in a government records room they were only ever inspected piecemeal, by following references to particular plots or particular holdings recorded in the land registers. That is to say, (1) the act of measuring plots piecemeal and registering holdings as the sum of plots so measured did obscure both the overall pattern of holdings and the system by which plots had been allotted, and (2) the official procedures adopted for inspecting and altering a record, after it had been filed away in a Revenue Records Room, did not make it any easier for officials themselves to perceive the very pattern of holding land that the new system of registration had been designed to preserve. In the idiom of records a different approach to establishing a fact was authorized than in the idiom of ploughs.

### 3.4.2 Other forms of grants and assignments

Apart from grants of land to resident *takīyadārs* there were three other kinds of revenue-free grant which should be considered here. The first was also a grant of land from out of the village commons but in the name of residents of other villages or towns, either in charity or dedicated to the upkeep of some religious institution. The second was an assignment of the rent from particular plots, usually again to people or institutions outside the village. The third was just larger in scale, approaching in amount the revenue assignments considered in Section 3.2 above and like them originating as grants by former rulers.

I do not know how grants of land by a village community to an outside body were formalized before British rule. In so far as the land was a part of village commons it is possible that management of the cultivation would have lain with the village headmen rather than the outside body. This would place the grants more in the category of assignments of produce. To my knowledge written deeds were not cited in the proceedings which led to small holdings being declared revenue-free or not (unlike revenue assignments of whole villages for which presentation of the deed issued by a former ruler was required). At any rate, under British rule, as with grants to resident *takīyadārs*, revenue-free land granted to outside bodies was almost invariably registered as owned by them and cultivated by people designated as their personal tenants. Details of the major bodies to whom such land had been granted in villages of the maximal sample is given at the end of this section.

There is one instance in the core sample of an assignment of produce to a village resident in 1853. In L-60 a certain plot of land on the village commons was registered in the name of two of the village headmen jointly, as tenants at will. A marginal note says that a particular barber received  $\frac{1}{3}$  of the produce from this plot, which was not however exempt from revenue. In 1882 the same plot was registered in the name of the barber's son as tenant at will, and a marginal note added that he was excused the rent in lieu of his services. Two points are of interest here. The first is the way in which a particular relation was fitted into the official mould of categories. The barber received the same share of produce as if he had been proprietor of the plot and the headmen had been his tenants. But in this case registration was clear: the barber had no independent rights over the plot. One suspects that other grants of land might have been registered in this manner had the formula been generally recognized. The second point of incidental interest is that registration of the plot in 1853 was in the names of the headmen. This was surely a formality. The headmen would not have cultivated the plot themselves so much as arranged for its cultivation. Absolute accuracy of description — the



image of the records as photographs — was not even enjoined in 1853. The purpose was accountability and the moulding of agrarian relations into a limited number of legal categories.

Two cases of assignment of the produce of designated portions of land to individuals outside the village existed in 1853 within the maximal sample, for both of which the land was exempt from revenue. Both cases concerned blocks of land within the sector allotted to shareholding cultivators, rather than within village commons, in a manner which raises questions about which came first, the grant or the allotment. In L-158 the produce from a block of about 20 acres had been granted before 1835 to Baba Jit Singh Bedi, a descendant of Guru Nanak who lived in Hoshiarpur district, by the former Raja of Jind. The position of this block of revenue-free land is shown in Map 7.1 facing page 301 below. The block lay in 1853 on land in a subdivision of the village which was owned by a pair of brothers and their unmarried sister. Since land of the subdivision had been allotted amongst cultivators in strips, with the proprietors themselves cultivating about  $\frac{1}{5}$ , occupancy tenants  $\frac{2}{5}$  and tenants at will  $\frac{2}{5}$ , the revenue-free block contained strips (or portions of strips) held by all three categories of landholder as well as bits of cultivable waste and uncultivable road. It was like a mini-estate. The *mu'āfidār* collected  $\frac{1}{4}$  of the grain crop from all alike, proprietors as well as tenants, in addition to cash from cash crops (cotton, fodder, tobacco and the like) at the going rate in the village.<sup>17</sup> The other case was similar, in L-186 of a block of 25 acres to a set of four Brahmans who lived in Ludhiana. The origin of this latter grant is unclear.

Finally there are the bigger grants, of the scale almost of half a village. The following table shows the largest proportions of *mu'āfī* land in the northern half of Ludhiana

<sup>17</sup> It was not made clear in the records whether the tenants had to pay anything to the landlords on top of what they paid to the *mu'āfidār*. The landlords in this subdivision generally took one-third of the crop from tenants, as explained in Chapter 2, page 71.

*tahṣīl*, calculated from figures given in the 1853 *Pargana Notebooks*. The proportions are slightly inflated in that *mu'āfī* land might include uncultivable land whereas 'assessable' by definition could not. Three villages with

TABLE 3.2 Proportions of land held *mu'āfī* in 1853.

L-173: 34.4	L-231: 12.5	L-232: 8.3
L-262: 31.9	L-239: 10.6	L-160: 7.9
L-172: 30.2	L-235: 9.8	L-222: 7.8
L-209: 21.6	L-257: 9.6	L-233: 7.8
L-196: 20.3	L-245: 9.6	L-258: 7.6
L-265: 16.1	L-137: 9.3	L-267: 7.4
L-101: 14.6	L-264: 9.0	L-261: 7.3

Percentages are of (*mu'āfī*)/(*mu'āfī* plus assessable), in descending order.

among the highest proportions lay within the maximal sample, L-173, 172 and 101. The former two involved large chunks of land owned by the *mu'āfidār*s who were also the proprietors of the estates. The grant in L-101 on the other hand was only a large-scale version of grants by shareholding communities of land from out of the village commons. In this case the grant was in the name of only one person (the *gaddī-nishīn*) but the ownership of the land granted was divided between the numerous members of the *mu'āfidār*'s family. The family was of Sufi Saiyids who lived in one of the oldest quarters of Ludhiana, part of the 300 metre swathe around the fort which was razed to the ground in 1857 in order to provide a clear field for artillery fire.<sup>18</sup> Members of the family held revenue-free land in one other village of the maximal sample, L-64.

The grants in L-172 and 173 were said to have originated from the Mughal emperors Jahangir and Aurangzeb (who is referred to as 'Alamgir in the 1882 Genealogy) respectively. The estate of L-173 was divided into two small blocks of land, one in the *beṭ* the other in the *ḍhaiyā*, of which the former was entirely *mu'āfī*. In 1853 there were seven

<sup>18</sup> Punjab (1911:98).



shareholders of the estate, members of a family eight generations deep (according to the 1882 Genealogy) which lived in Ludhiana and in the past had provided the chief *qāzī* of the town. The ancestor was said to have been granted the *milk* (absolute ownership) of the *beṭ* portion by Aurangzeb, since when it had been exempt from revenue.

The grant in L-172 is less straightforward. The revenue-free portion of the estate consisted of two blocks of land called Chak Saiyidpur and Chak Daulatabad (area 272 acres and 118 acres respectively), the former in the *beṭ* the latter in the *ḍhaiyā*. Chak Saiyidpur was held in divided tenure by a large family of Saiyids, belonging to two intermarrying lineages some 12 generations deep. In 1853 there were 44 male shareholders, 6 widows and 4 daughters, and their shares were complex firstly because of the spread of the genealogy at all generational levels, and secondly because of fairly frequent inheritance through in-marriage daughters. Chak Daulatabad was held by all but seven members of the family, also in severalty. The revenue-paying portion of the estate, however, in all 1100 acres, was held by only the seniormost stem of the family, consisting of just four brothers. Before 1853 this portion had been held undivided: cultivation was entirely by tenants. At the 1853 Settlement it was partitioned between the brothers into four equal sections or *paṭṭīs*, supposedly "for the convenience of paying the revenue" but more likely at the inconvenience of the tenants most of whose holdings were now divided into four.

All members of the Saiyid family lived in the town of Ludhiana, in an area surrounding the religious establishment (*khānqāh*) for the support of which the two Chaks in L-172 were exempt from revenue. Revenue-free land had also been granted to members of the family in several villages of the neighbourhood, for the upkeep of the same establishment. The grant of Chak Saiyidpur in L-172 is particularly interesting because it seems to have been held revenue-free and in divided tenure continuously for as long as 200 years before British rule, without the land ever having been repartitioned. About half of the cultivation (47%) was registered in tenancies held by different members of the

family (whose occupations correspondingly were entered as agriculturalist in the 1853 census); but almost none of this was on land that was their own. That is to say, there was almost complete disjunction between the several farms and the units of property. The reason land may occasionally have been reallocated in villages was to maintain the balance between a farmer's capabilities, the land under his control and the revenue he had to pay. On land that was always held free from liability to revenue this reason did not apply.

Members of the family who in the past had married out (*ghair 'ilāqa* in the language of the 1882 Genealogy), as far away as Bihar and Lucknow, had not inherited rights in the estate. The correspondence between residence in the town and a share in Chak Saiyidpur was very close.<sup>19</sup> The particular combination of continuous divided tenure over a long period of time, of endowment of a religious establishment (which was named after the ancestor of one of the lineages), and of residence at the site of the endowment, may indicate that Chak Saiyidpur was originally set up as a family trust or *waqf*. The revenue records are silent on this. *Waqf* was not a category of revenue but a category within Muslim law, which saved a holding from the normal provisions of the law of inheritance.<sup>20</sup> If Chak Saiyidpur was set up as a family *waqf* in Mughal times then it represents a tenure unlike any other in the maximal sample. Here proprietary title had nothing to do with the assumption of revenue liability; and the inheritance of property did not need to bear a close relation to agricultural capabilities. At any rate the circumstance of revenue-free cultivation adjacent to a town, in the name of a family associated with a particular religious establishment in the town, can no doubt be repeated all over north India as well as the Middle East.<sup>21</sup>

<sup>19</sup> One male shareholder of the family cannot be identified as a householder in 1853, who should on genealogical grounds have had his own household. But this is within permitted margins of indeterminacy for linkage between the census and the revenue records.

<sup>20</sup> Fyzee (1974:274ff.) and Kozłowski (1985).

<sup>21</sup> The proportions of different crops sown in L-172 at the time of the 1853 Settlement do not differ substantially from those in the core sample (shown

The fan of ties radiating outwards from religious establishments in a centre such as Ludhiana to revenue-free grants of land in villages of the surrounding countryside was also no doubt a common feature throughout north India. Four families of Ludhiana were among the most frequently endowed in the maximal sample. The proprietor and *mu'āfīdār* of L-168 had revenue-free land in eight villages, all of them held by Awans like himself, for the upkeep of a school and mosque in Ludhiana: L-59, 67, 70, 76, 80, 157, 176 and 178; he also had a *mu'āfī* holding in another urban estate L-78, whose proprietors were not Awans. Saiyids of L-172 had land in L-45, 57, 60, 72 and 177, for the upkeep of their *khānqāh*. There were the Sufi Saiyids who had extensive revenue-free land in L-101 as well as some in L-64. Fourthly there was a family of Quraishi Shaikhs which was said to have been granted land in L-87 during the reign of Jahangir for the upkeep of a *khānqāh* in the town, and which had revenue-free land in L-59 and L-66.

Apart from these ties to institutions in Ludhiana there were two other principal beneficiaries in the maximal sample, tying villages to L-177 and L-41. An Awan who had ancestral rights to land in L-177 also had revenue-free land there, as well as in L-59, 178, 180 and 183, granted for the upkeep of the school, mosque and *khānqāh* in L-177. Again these ties were mostly with Awan villages. Secondly, a family of Saiyids who lived in L-41 and had first been given land there by the Rajput proprietors in about 1780 "in honour of their learning and piety", had land in seven of the surrounding villages, for the most part either revenue-free or

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in Table A of Appendix B): 65.3% wheat, 23.2% green fodder, 2.4% millet, 1.9% radishes, 1.3% carrots, 1.2% maize, 1.0% barley, etc. The proportion of area under radishes and carrots, although small, is the highest in the maximal sample, and in absolute terms was not inconsiderable, 19 acres and 13 acres respectively. Further, L-172 was the only estate in which vegetables such as potatoes, cauliflowers, cabbages and spinach were recorded as grown, and almost the only one with turnips and sweet potatoes. Together these vegetables covered 6 acres. The diet of the townspeople seems to have been little different from that of villagers.

rent-free: L-38, 40, 43, 52, 53, 54 and 183. This is the only fan of grants in the locality not radiating from Ludhiana town itself.

Those were the major sets of links in the locality. But there were also a number of beneficiaries in just two or three villages, for the most part adjacent to each other. These would establish a series of dyadic ties across the neighbourhood, and appear mainly as extensions of grants to village *takīyadārs*. One or two, however, linked villages with institutions or people outside the locality, such as to a Saiyid of Rahon across the river in Jullundur (from L-59), to a Saiyid of Jullundur itself (from L-45 and L-75), to a Saiyid of Payal to the south east of the locality (from L-183), and to several other places across the river in Jullundur district.

### 3.5 Local networks: shopkeepers and *paṭwārīs*

In discussing the network of *mu'āfī* grants in the locality it was necessary to digress on the different kinds of *mu'āfī* tenure and how they related to primary distinctions of land. In the present section it will be necessary briefly to review the changes introduced by the British in the way both the revenue accounts were kept in a village and the accounts of the village fund. Specific examples will then be given of relations among *paṭwārīs* and shopkeepers within the locality.

That *paṭwārīs* had existed in at least all the major villages before British rule is made clear by the *taḥsildār's* 1850 assessment reports for every village. These assessment reports invariably mentioned how statistics of agricultural produce over the previous few years had been compiled, and what arrangements in the village had previously existed for keeping accounts. Sometimes also the function of the *paṭwārīs* was described, for instance concerning L-86:

From the day of the village's foundation, the revenue (*mālguzārī wa mu'āmila*) has been taken either in kind, by division of the produce, or by appraisal of the standing crop, and has been done through the *paṭwārī* X, who to this day is the appointed



*paṭwārī*. When summoned to produce the accounts of agricultural produce, however, he pleaded the absence of any papers, saying that he had only weighed the grain, and that the accounts had been kept by the *mu'āfidār*'s steward (*munshī*).

With the very much more elaborate form of records demanded by the British and with the increased importance given to the *paṭwārī* even in Settlement proceedings – he was later to replace the field-surveyor (*amīn*) in the measurement of fields<sup>22</sup> – the whole establishment of *paṭwārīs* in the district had to be revised. The 1853 Settlement Officer, Davidson, wrote that when he started field-measurements (with the army of *amīns* brought in from the North Western Provinces) he very quickly found that the *paṭwārīs* were unequal to the task of writing out the field register while the *amīns* did the measurements, “forming as it did to them new matter, and the terms being such as they had not been accustomed previously to put into writing”.<sup>23</sup> Davidson therefore appointed teachers temporarily to instruct the *paṭwārīs*. Although some *paṭwārīs* were replaced, and the *paṭwār* circles were rearranged so that a *paṭwārī* now covered several more villages than previously, continuity of appointment was the norm. And if the former *paṭwārī* failed the examination there was always his brother or his son, while he himself could be registered as the shopkeeper through whom the village fund would be settled.

The management of the village fund is a subject which bears directly upon land revenue, the organization of agriculture and other common resources within a village, and the relation of village to State, but it is not well documented.<sup>24</sup> From the remarks of the 1853 Settlement

<sup>22</sup> Barkley (1875:ii) considered this to be “the most important alteration” to Thomason’s Settlement procedure.

<sup>23</sup> Davidson (1859:para.38).

<sup>24</sup> Wade’s provocatively titled *Village Republics* (1988) analyses ecological factors in the management of village funds. Its implications could well be pursued back to the period when the term ‘village republics’ was first applied at the start of the nineteenth century, when the British imperial government was engaged in a different kind of exercise in development.

Officer it is clear that before British rule the *paṭwārī* and the shopkeeper had often been one and the same person, keeping the accounts both of the State revenue (*mu'āmila*) and of the village revenue (*malba*). Davidson was determined that the headmen of a village, in conjunction with the *paṭwārī*, should not have sole right of management of the village fund. He wrote:<sup>25</sup>

I found that of all the disturbing causes to the even management of the village affairs, none was so prominent as this mode of administering this account; constant quarrels occurred in its adjustment between the Lumburdars and the body of the proprietors. Hence, any plan to diminish its amount, and consequent importance, would be so far an improvement.

The headings were therefore limited under which income for the village fund could be collected and expenses disbursed, and a ceiling was put on expenditure permissible in any one year without the express sanction of the Deputy Commissioner. The conditions governing the management of the fund were written in a separate paragraph of the *wājib-ul-'arṣ*. In that paragraph the name of the shopkeeper was also written through whom items would be bought and sold which were chargeable to the account, the *paṭwārī* having the job of account-keeper.

About the new arrangements Davidson wrote as follows:<sup>26</sup>

Formerly the Putwarry, who has usually a shop in the village, being both secretary and treasurer to the fund, monopolised the expenditure of grain and other articles chargeable to the village accounts; now, some other resident shopkeeper in the village has been recorded as the party with whom these dealings will be carried on.

This gives the impression that the shopkeeper was an altogether different person from the *paṭwārī*. But in fully two thirds of the villages of the maximal sample the shopkeeper in 1853 belonged to the same immediate family as the *paṭwārī*.

<sup>25</sup> Davidson (1859:para.55). See also Chapter 9.

<sup>26</sup> *Ibid.*

In this context we should also set the remarks of the 1882 Settlement Officer. Registers were prepared at the 1882 Settlement concerning the *paṭwārī* establishment throughout the district; they were kept up to date thereafter; and they are preserved in the district revenue records room. Since *paṭwārīs* now did the main work of Settlement in a district, the Settlement Officer wrote about every *paṭwārī* and *qānūngo* what work he had done, what his qualifications were, and so on. Concerning the *qānūngo* appointed to Circle-1 of Ludhiana *taḥsīl* the Settlement Officer wrote: "He is a Khatri.... His appointment was a great blow to the Suds to which tribe the last man belonged, as well as a very large number of the *paṭwārīs*." The implication is of some competition between the different groups. In 1853, of 57 *paṭwār* circles I considered in the north of Ludhiana *taḥsīl*, Khatri were *paṭwārīs* in 25, Suds in 11, Brahmans in 11 and Baniyas in 10.

Family connections among *paṭwārīs* and shopkeepers between Ludhiana and outlying villages are not easy to document because of the general problem of linkage of names between different registers. Occasionally, if somebody stood in for a *paṭwārī* during the preparation of a particular register, his relationship to the *paṭwārī* would be described underneath his seal and signature. But incidental evidence for family links between villages and Ludhiana comes from household sizes.

Of the 18 households of "merchants" — Khatri, Baniyas, Suds and Brahmans<sup>27</sup> — in the 20-village core sample in 1853, 11 were composed only of men: 7 with composition (1-0-0-0) and 4 with composition (2-0-0-0). This contrasts markedly with the corresponding proportion among landowners. Of the 744 registered landowners in the core sample only 14 were of composition (1-0-0-0). Furthermore, reference to the landowners' genealogies shows that virtually

all of the 14 (1-0-0-0) households were of people who were subsequently recorded as having died without an heir.

Two of the 11 men-only households among merchants belonged to *paṭwārīs* who also had full households in Ludhiana town: the examples are given at the end of the present section. On this basis it seems reasonable to postulate two types of men-only household: the one typified amongst landowners, who had neither wife nor children; the other typical of merchants whose families lived in one place while they worked in another. Ludhiana town in fact also had a considerable number of (1-0-0-0) households in the bazaars, some of which were linked with full households in residential quarters of the town while others could not be so linked, as if Ludhiana stood to other urban centres in the same way as some of the villages around Ludhiana stood to it. Numerous houses in the town, both empty and on lease, were registered at the census as belonging to people from Jullundur, Nur Mahal, Kapurthala and Amritsar to the north and north west; from Ferozepore, Sunam, Maler Kotla and Patiala to the west and to the south; and from Delhi, Panipat, Jagadhri and Ambala further to the east and south east. Occasional remarks in the margins of the census registers of villages further corroborates this impression. Thus, an empty shop in L-101 belonged to a Khatri from Rahon across the river in district Jullundur; and in both L-86 and L-174 there were shops owned by people who lived in Ludhiana "who come here daily and return at night".

This is not to say that the homes of some merchants were not in the villages. Two of the largest households in the entire village sample belonged to Baniyas. One household in L-50, with composition (4-4-4-3), belonged to someone who had been the *paṭwārī* in L-51 "for very many years" before 1850, whose father had been the *paṭwārī* of L-45 and who I think was also related to the 1853 *paṭwārī* of L-48, 49, 50, 51 and 58 (because his sons shared a later purchase of land in L-50 with the *paṭwārī*'s brother). The other household, the largest in all the villages, was in L-73, of composition (6-9-3-3), which belonged to the brother of the *paṭwārī* (who was the father of the registered shopkeeper).

<sup>27</sup> In Table 3.1 on page 95 this class was termed "shopkeepers". In order not to confuse them with the registered shopkeepers through whom the village fund was settled they are here called "merchants".



A final issue concerns the alienation of land to *paṭwārīs* and shopkeepers. The bogey of the "moneylender", who forced peasants from their ancestral land through exorbitant rates of interest, was to scare a later generation of rulers into legislation to protect the purity of village communities. The Punjab Alienation of Land Act of 1900 forbade the sale of agricultural land to anyone except a member of a notified "agricultural tribe". At the 1882 Settlement of Ludhiana one of the surest points every Settlement official noted in the Village Notebooks concerned the amount of debt in a village and the amount of land that had already been sold. The rule was already being applied in 1882 forbidding the appointment of a *paṭwārī* to a circle in which he owned land. Links can certainly be made between those who acted as *paṭwārīs* and shopkeepers in 1853, their successors in 1882 in the same villages, and the purchasers of land in the neighbourhood up to 1882. But if I make those links it is not to suggest any particular reading of the history of land transactions in the locality during the initial years of British rule. The links are simply intended as background to the subject of family networks in the locality.

The cases of three *paṭwārīs* of the core sample will illustrate the extent of family networks in the locality. The first case is of the *paṭwārī* of L-180, 181, 183 and 238, Har Lal son of Sukhiya. His father, who had a household in L-177 of composition (2-0-0-0), had been the *paṭwārī* of L-177 since 1824, and of L-178 since "one year before British rule" (1834). Har Lal himself was the registered shopkeeper for L-76 and 82, where his father's brother, Roda, resident of one of the old quarters of Ludhiana town, was *paṭwārī*. Roda was also *paṭwārī* of L-72, 80 and 83, where his son Gokul was the registered shopkeeper. In 1882 Har Lal's son was the *paṭwārī* of L-175 to 178. None of the family had purchased land nor taken land on mortgage by 1882.

The second case is of the *paṭwārī* of L-65, 67, 68, 69, 70, 71 and 182. Nihal son of Ishar had been appointed *paṭwārī* in about 1847. He had a house in L-68 of composition (2-0-0-0), where his occupation was given as *paṭwārī*. He

also had a house in the old town, of composition (2-2-0-0), where his occupation was given as "service". His brother Prabhu was the registered shopkeeper in L-67, 68, 70 and 71. A third brother was the registered shopkeeper in L-178, where their father was a householder, composition (2-0-0-0). Both Nihal and this third brother were to die without surviving male issue. Between Prabhu and a fourth brother Ritu Mal there was to be a private division of the various bits of land that had been acquired by the family by 1882. In 1882 Ritu Mal was a mortgagee of land in L-68 and 180, and a vendee in L-101, 177 and 178 — all Awan villages. Prabhu was mortgagee of an occupancy tenancy in L-172 and a vendee in L-68, 70 and 182. Apparently none of the immediate family was a *paṭwārī* in the area in 1882.

The final case had the most ramifications, that of the *paṭwārī* of L-56, 57, 59, 60 and 66, Ram Lal son of Dasondhi. His father had been the *paṭwārī* of L-52, 53 and 57 until his death in 1844, and Ram Lal himself had been the *paṭwārī* of at least 12 villages before British rule, L-45/46, 48-50, 54-5, 57-60, 63 and 66. In L-59 he had been appointed *paṭwārī* in 1838, and the produce accounts quoted in the *taḥṣīldār's* 1850 assessment report of the village dated from 1838, the earliest in the whole sample. Ram Lal had a (1-0-0-0) household in L-59, as well as a house in one of the newer quarters of Ludhiana, of composition (4-2-0-0). He was also registered shopkeeper in L-47 and 48.

Ram Lal's brother Kishan was the 1853 *paṭwārī* of L-45, 46 and 47, and had a (1-0-0-0) household in L-45, where he was actually entered in the census as "Kishan brother of Ram Lal *paṭwārī*", with occupation general merchant (*parchūn*). A second brother Shyam was the registered shopkeeper in L-56, 57, 59, 63 and 66. Shyam had a (1-0-0-0) household in L-57, where his occupation was returned as *paṭwārī*. In 1853 he was the mortgagee of the entire holding of three Awan brothers in L-59, although not the eventual vendee.

The *paṭwārī* in 1853 of L-48, 49, 50, 51 and 58 was Debi Ditta son of Nanu. He signed the *atrāfī* registers of L-47, 57 and 60 variously as "brother of Kishan", "cousin [father's

younger brother's son or FyBS] of Ram Lal" and "nephew [BS] of Ram Lal". His son was the registered shopkeeper of L-49, 50, 51 and 58. Debi Ditta was not registered anywhere as a householder but he seems to have been related to the (4-4-4-3) householder of L-50 mentioned above, Ishar Das son of Duni Chand, since Debi Ditta's brother Suba shared a purchase of land in L-50 with Ishar Das' four sons. Ishar Das himself had been the *paṭwārī* "for very many years" of L-51.

The position in 1882 was as follows. Kishan's son was the *paṭwārī* of L-50, 51, 52, 54, 55 and 57. Debi Ditta's brother Suba was the *paṭwārī* of L-45, 46, 47 and 48. The *paṭwārī* of L-49, 58, 59 and 60 was the person who in 1853 had been the *paṭwārī* of L-63 (where Ram Lal's brother Shyam had been the shopkeeper), and who was of the same *got* as Ram Lal although not, so far as one may judge, immediately connected. In view of the general continuity between the villages under Ram Lal as *paṭwārī* before British rule and those under his various relatives in 1853, and indeed in 1882, it is possible that the *paṭwārī* of L-63 was also a relative of Ram Lal.

As for the acquisition of land, in 1882 Ram Lal's son was a mortgagee in L-45, 49, 51, 53, 54 and 57, and in L-59 he had bought land. Shyam's sons were mortgagees in L-45, 49, 51, 53, 54 and 57, but had not bought land. Kishan was a mortgagee of land in L-46 and L-50. Debi Ditta's brother Suba was a mortgagee in L-49, and co-vendee in L-50 with Ishar Das' sons, who were also mortgagees in L-49 and 58.

This dizzy set of ramifications in what was a relatively small neighbourhood within the locality brings us to the end of our review of local networks among non-agricultural classes. In the second example too the acquisition of land had all been within a small set of Awan villages. Throughout the region it would no doubt be possible to outline similar family beats. But our attention now must pass to the agriculturalists themselves.

## Chapter 4

### Landowners in 1853: the formation of share-holding groups

There are two objectives to this chapter. The first is to gauge the extent of mobility among the agricultural population at the start of British rule. The 1853 Settlement froze fields, holdings and agrarian relations as these were found to exist (and as they were interpreted according to the official grid of classification) at the time. But it is our understanding that flexibility was one of the key features of agricultural organization before British rule, in response to increasing colonization, sudden demands of the State and general mobility of the population. We therefore have to develop a model of agricultural communities that takes due account of their continual change. This is the second objective of the chapter. We have to see who, at the time of the 1853 Settlement, had recently been incorporated into a community and who were still in the process of being incorporated. It is expected that, where official distinctions of landholding status depended to a great extent upon the period of occupancy, different stages of incorporation were somehow reflected in the official categories.

#### 4.1 Links between landowners in the locality

From the number of plots held by a single *mu'āfīdār* in different villages, or from the foundation of some villages in



the locality by fission from a parent village, it might be expected that shareholding cultivators would hold land and shares in different villages. This is almost completely contrary to the facts on the ground. It is also contrary to the rationale behind the system of shareholding, which was not an abstract measure to secure preemptive rights amongst the descendants of one founding ancestor, but a practical system for distributing cultivation fairly between whoever was on the spot, according to their several capabilities.

The case of the foundation of L-185 by a family of landowners of L-184 has already been mentioned, but it was exceptional.<sup>1</sup> Taking a restricted sample of about 40 villages (excluding L-38 to 54, 57, 58 and villages on the banks of the river), and not including *mu'āfidārs*, I have found only one other case of someone owning land in more than one village in 1853, and only five cases of people owning land in one village and having an occupancy tenancy in another, all of them in some ways special. The one case of multiple landownership was of two Awan brothers who owned land in both L-72 and L-178. They lived in L-178, and it was said on the 1882 Genealogy that their father had purchased land from two brothers, who had died without male issue, in about 1810. Transmission of the separate property of issueless people was often problematical and could invoke special measures, such as the adoption of a close agnate or the gift to a sister's or a daughter's sons. The Genealogy of L-178 is silent on what other relations might have existed between the two parties, for instance relations of marriage. Furthermore their holding of 1½ "ploughs" in L-72 was special since it was not part of either of the two subdivisions into which the Awan half of the village was divided, but was held on its own. The other cases were all somewhat similar.<sup>2</sup>

<sup>1</sup> Page 93, footnote 7 above.

<sup>2</sup> (1) An occupancy tenant of L-178 was one of the co-owners of L-180, a village which, like L-185, had been founded only a short time before 1853.

(2) Another occupancy tenant of L-178 owned one "share" out of 27 in L-152, outside the main partition of the estate into two equal subdivisions.

(3) The landlords of L-79 had a small occupancy tenancy in L-81 where they lived; but land in L-81 had never been allotted on a shareholding basis, and

The general rule was that shares were not held by one person in more than one village.<sup>3</sup>

Three other sorts of detail were recorded in the village land records that reveal the kind of links landowners had with other villages. The first concerned members of a family who had not been given land at the time of allotment or at the foundation of a village, usually because they already possessed land elsewhere. These relations were sometimes recorded on the 1882 Genealogies, which served as charters of rights in both an inclusive and an exclusive sense, to prevent claims to land by distant members of a family who had never enjoyed any rights in the village concerned. Secondly, someone who had opted out of his share of the revenue and had gone to work elsewhere was registered at the 1853 Settlement under the designation of "*mafrūr*" ('absented himself', literally 'run away', in the sense of having abandoned his holding and his communal liabilities); and the name of the person currently in possession of the *mafrūr*'s share was also recorded. On the 1882 Genealogies the sequel was followed up: if the *mafrūr* had returned to the village, then it was stated whether he had been given back his rights in full or only in part (that is, without the accompanying share in the commons); if he was still absent, then it would be stated whether he was still registered as *mafrūr* or had had his name struck off the register. The third kind of detail recorded were incidental remarks made either by Gokul Kumar or by the officer conducting the

the holding was a product of circumstance rather than design. (4) One of a set of landowning brothers in L-85 held an occupancy tenancy in L-80 on his own, but it carried no share. (5) Finally, one of the two landlord brothers of ⅓ of L-158 held an occupancy tenancy in neighbouring L-102 (where his father's brother's two sons were the landlords, the two villages having been founded at the same time); but this was the cause of a dispute, and in 1853 the L-158 landlord was not paying any rent for his holding in L-102.

<sup>3</sup> The estates of Ludhiana town were different. A large body of occupancy tenants, living in the older quarters of the town, had plots scattered in different urban estates. But the plots were haphazardly situated, not the product of an organized allotment, and the tenants paid rents rather than just shares of the revenue.



attestation of the 1853 *wājib-ul-'arṣ*, that so-and-so was working in such-and-such a place, or had gone off to buy a bullock in a cattle fair somewhere, or was currently in jail. Bare as these sorts of details are individually, when they are all put together some picture emerges of the population as a local community of flesh and blood rather than as so many names, categories and relations. The attestation details also reveal which shareholder was too old, too young or too infirm to attend the proceedings in person.

In the 20-village core sample as a whole, 56 landowners were registered as *mafrūr* at the 1853 Settlement, representing just over 5% of the total number (989) of registered landowners. In some villages more landowners had abandoned their holdings than in others: in L-187, 22% of the registered landowners were *mafrūr* (17 men, including 5 pairs of brothers); in L-59, 10% (11 men); in L-68, 9% (6 men); seven villages had no one registered as *mafrūr* in 1853. By 1882, 30 of the 56 had had their names struck off the register, 3 were still shown as *mafrūr*, and 23 had regained possession (19 in full). For 44 *mafrūr* in 1853 their current residence was recorded: 1 was in Lahore; 9 were in different villages of Jullundur district; 10 were in Ludhiana town (only 4 of them identifiable as householders or landholders); 14 were in villages of the *beṭ* (9 in the maximal sample, of whom 7 were identifiable, 5 as landholders); 9 were in villages to the south (all from L-187); and one was in Delhi. Those are the bare specifications. The more interesting cases are listed below, to which I have added cases where a landowner lived in a different village from the one in which he held land.

L-55: Three young sons of someone recently deceased, who shared a holding (9.) with their father's brother, were said at the final attestation of the 1853 *wājib-ul-'arṣ* to have recently settled in L-54, I suspect with their mother's family.

L-56: One cosharer of a holding was enumerated as a householder in 1850 but was subsequently registered as *mafrūr*. His name was struck off the register in 1882.

L-59: Of the several members of Arain families who were recorded as *mafrūr* in 1853 there was one set of three brothers who lived in Ludhiana

(household 366 in the Arains' *maḥalla*, composition (3-2-2-0)); they held occupancy tenancies in L-162 and L-167 in 1853 and were later to buy land in L-87, 161 and 164. A fourth brother had possession of their holding in L-59, (34.). They were still recorded as *mafrūr* in 1882, suggesting that some relation had been maintained. Another Arain *mafrūr*, brother of (41.), can similarly be identified as a householder in Ludhiana (household 438, composition (1-1-0-0)) where his occupation was described as "service" (*naukarī*); by 1882 he had died without issue.

There were two other cases of cosharers enumerated as householders in 1850 but registered as *mafrūr* in the final landholding registers. Both had regained possession by 1882, one in full, the other in part as a *mālik qabṣa* (without a share in village commons).

L-60: One person was enumerated as a householder in 1850 but was subsequently registered as *mafrūr*; his holding was registered in the possession of his village subdivision (*paṭṭī*) jointly and cultivated by an owner of the *paṭṭī* as tenant at will. By 1882 the *mafrūr*'s name had been struck off and the land was still being cultivated within the commons of the *paṭṭī* by owners who were paying rent.

L-65: The brother of a Rajput landowner succeeded his mother's father, a Chishti Faqir, to a revenue-free plot in L-181, after becoming a Faqir and therefore forfeiting his share of patrimony in L-65. His name was not entered in the 1853 registers of L-65, only on the 1882 Genealogy.

L-66: On the 1882 Genealogy an Arain was recorded as a former claimant of one quarter of the village, having become *mafrūr* before British rule; but his name was nowhere mentioned in the records of 1853.

L-67: One cosharer was enumerated as a householder in 1851 but was subsequently registered as *mafrūr*; in 1882 his widow was in possession of the share, his only son having died issueless.

L-68: Of the six listed *mafrūrs*, one was a male child who "lived with his mother's father across the river" and whose recently deceased father had been enumerated in early 1851 as a householder; he shared a holding (8.) with his father's brother, who was also registered as *mafrūr*, having been in service in Delhi for the previous 15 years; the holding was in the possession of their closest agnates; by 1882 full possession had been regained by the child (now an adult).

The other four *mafrūrs* lived in L-178 and held land there, one as a proprietor, and the others as occupancy tenants (two of whom were brothers sharing a holding). The *mafrūr* proprietor (L-68:(39.)<sup>c</sup> and L-178:(2.)<sup>a</sup>) belonged to the major landowning family of L-178 (11 generations deep in 1853), his father and father's brother having been given land in L-68 forty years previously for some unspecified reason; in L-178 the father's brother was registered as *mafrūr* and resident in L-68; and by 1882 there had been an exchange of holdings between the two



brothers' children, the one set retaining proprietary rights only in L-68, the other only in L-178. Cultivation of the holding in L-178 in 1853 was done by another member of the family (FFBSS) as tenant at will; but Gokul Kumar had earlier remarked that the owner possessed no agricultural equipment and that his mother's brother's son (*māmūnzād-bhāṭ*) arranged the cultivation and the payment of revenue, sowing  $\frac{5}{8}$  acre for the owner's subsistence (*guzāra*) (the holding consisting of almost 10 acres). The name of the mother's brother's son was not recorded. This kind of cultivation arrangement is encountered occasionally elsewhere in connection with the maintenance of widows (e.g. in L-188 where  $2\frac{1}{2}$  acres were sown for a widow by her husband's two brothers), but does not usually surface through the grid of official categories.

The other *mafrūr*s, who had occupancy tenancies in L-178, were in full possession of their rights in both villages by 1882.

There were also two owners who lived in L-67 and two who lived in L-70, which was of itself no cause for their being declared *mafrūr*.

L-70: The owners of one whole subdivision of the village, the sons of four brothers, lived in L-177 without holding any land there. Only the sons of one brother were given as *mafrūr*, by 1882 their holding had passed to the owners of another subdivision of the village, who had been the registered occupants in 1853.

One other *mafrūr* lived in L-80 and owned land there. By 1882 his holding in L-70 had been divided equally between the sons of his two brothers.

L-71: One five-household landowning family of Gujars (5.) lived in L-67 and paid *atrāfi* dues there.

L-180: None of the 13 owners (five families) in the Awan half of the village lived in the village. One person lived in L-177; another family of five members lived in L-178, where the senior member held an occupancy tenancy; a third family, with four registered land holders, lived in four separate households along an alley in Ludhiana town (houses 6335-8 in *maḥalla* Wade Ganj), one of them having been responsible for building the local mosque there (building no. 6340). The residence of the other two families (three owners) I was unable to trace anywhere in the maximal sample.<sup>4</sup>

L-181: According to the 1882 Genealogy the FFBS of one of the headmen had settled in L-158 in about 1830. He owned land there, as (17.). He was not mentioned in the 1853 records of L-181.

<sup>4</sup> Note that residence was not normally recorded in the registers of the 1853 Settlement. By contrast, the residence of landholders usually was recorded at the 1882 Settlement and in registers thereafter.

L-183: Two young brothers were listed as *mafrūr*, "living in the house of their mother's father in L-36"; their father had been enumerated as a householder in 1850 before his death. In 1853 their holding (59.) was in the possession of the headman of their subdivision and his brothers (their FMBS), not their closest agnate (FB); but by 1882 they had regained full possession. This case is similar to the cases in L-68 and L-55 mentioned above.

There were also two Gujars shown on the 1882 Genealogy who were said to have settled in villages to the south but who were not mentioned in 1853.

L-184: There were several owners whose close agnates were stated on the 1882 Genealogy to have land in other villages but not in L-184: two Jats (of different families) owned land in L-40; a Faqir owned land in L-80; others were linked to L-109, to a village in the south, and to a village in Jullundur district.

L-185: Of the seven owners, six were brothers who owned land in L-184 (in six separate holdings); the seventh, their father's brother's son, owned land only in L-185, where he lived. (Two other brothers of their father owned land only in L-184.) One of the six brothers was enumerated as a householder in both villages: (2-2-1-1) in L-185 in 1850, (2-2-0-1) in L-184 in 1852; in 1882 his widow was in possession, having no surviving sons.

L-187: Of the 17 people registered as *mafrūr* in 1853, four had regained possession of their land (three in full) by 1882. The holding of two *mafrūr*s in 1853 was registered in the possession of someone who was not a landholder in any other capacity, but he died before attestation and the holding reverted to other owners of the *paṭṭī*. The holding of another two *mafrūr*s in 1853 was registered as being in the possession of the whole *paṭṭī* jointly and leased out in two tenancies at will. Possession of the other *mafrūr*s' shares in 1853 was with their respective cosharers.

The above cases concern only the more permanent movements of the population at the time of the 1853 Settlement. Tenancies at will, in particular, have not been considered. The number of tenancies at will held by landowners of a different village was anyway not large: about 13 cases out of a total of 145 tenancies at will in the whole core sample. The impression of temporary movement among the population is probably better conveyed by the attestation figures for one village rather than for several taken together. Thus for L-60, out of the total of 144 landowners who were not *mafrūr*, the names of 89 were appended to the *wājib-ul-ʿarḍ* in attestation, while the names of 55 were recorded as

absent for one reason or another: 13 were minors, too young to attest the records themselves; 3 men were in service in Ludhiana, and another 3 were in service without specifying where; 24 had "gone about their work in villages across the river, etc."; one had gone specifically to L-64, and another to L-48; 4 were ill at the time; 4 widows were secluded at home (*parda-nishīn*); one man was too old to attend; and another man had recently died issueless. This attestation was dated 14 October 1853.

Certain general features may now be abstracted from these cases. Firstly, the instances where different members of a single family had land in different villages, although they are very few, do suggest that during the process of colonization of the region, a set of brothers did not necessarily stick together. This feature is consistent both with the finality that marked the partition of a holding and with another feature of colonization, as conveyed by the 1882 village histories, namely that villages were founded by groups of individuals rather than by sets of brothers. Secondly, if someone did have land in more than one village, it was likely that he would continue the revenue payments on land in only one village. Whatever calculations he may have made concerning the benefits of having multiple properties, such a person, as a shareholder, was a member of a community, and it was unlikely for him to continue as a shareholding member of more than one community. If he did hold land in more than one village, as in the cases of the Awans of L-178 who held land in L-72, in the second village he would not have been fully incorporated into any one particular shareholding group. Taking these two features together, it needs to be considered whether the brotherhood of belonging to the same shareholding community did not in some way override the brotherhood of common descent. The question concerns the basis on which land was allotted within a shareholding community, whether according to a person's capabilities or according to his position on a genealogy — a theme to which later sections of the chapter will return.

Thirdly, the number of people who were enumerated at the Census of 1850/51, but who a year or two later were

declared as *mafrūr*, was again very small, but it suggests a certain fluidity of movement among the agricultural population, some of whom were unable or unwilling to keep up the regular payment of revenue instalments. Supplementary sources of information being so limited, it is not known what else these people abandoned in the process of movement — e.g. their ploughing stock? One distinct type among those who had recently abandoned their holding was the newly widowed mother of young sons returning to her father's home. Given the strongly agnatic ideology and tone of the Genealogies it might have been expected that a man's sons would be looked after by one of his brothers. In all three cases (L-55, 68 and 183) a close agnate of the dead man (brother, FBS and brother respectively) did look after the holding but did not look after the children. In all three cases the children later succeeded to their shares of the patrimonial property without any apparent difficulty. Is this to be taken as evidence that inheritance was patrilineal not only in law but also in practice? In that event, it would not matter where a man was brought up; he would inherit land, or succeed to the management of a holding, only from his father. Excluding leviritic cases, there were very few instances of sons of a woman by a former husband being given rights by a second husband; and where they occurred they could be mistaken for cases of adoption.<sup>5</sup> On the other hand, there was a shareholding tenancy in L-186 where it

<sup>5</sup> Such sons were termed *pichhlag* and provisions regarding them were recorded in the registers of customary law. There were three such cases noted in the extended sample of 34 villages before 1882. (1) In L-59 (54.) was held in 1853 by two brothers one of whom died issueless; in 1882 the holding was shared, as [137.], by the other brother's *pichhlag* son and his own son in the ratio 1:2. (2) In L-176, a generation before 1853, a *pichhlag* son had been given the entire rights of his step-father, one of the supposed co-founders of the village, who had had no sons of his own. Like the case in L-59 this may have been more like adoption. (3) In L-60, on the other hand, where a widow had a proprietary holding of her own (20.), separate from that of her second husband's son (31.), the ever alert Gokul Kumar noted that she "had brought a son with her and it was he who managed the cultivation and paid the revenue"; but by 1882 the widow had sold her entire rights, as [9.], and her son was not mentioned on the Genealogy.



Table 4.1 Number of families and holding-units among proprietors in each village subdivision of the 20-village core, 1853

	subdivisions		extent of cultivation		no. of proprietary families			no. of proprietors			no. of holding-units					
	share in village	no. of ploughs	share in <i>paṭṭī</i>	no. of ploughs	no. of ploughs	area ( <i>bighās</i> )	'founding'	affine	other	men	widows	men	widows	men	widows	others
55	1/2				9 1/2	117=6	7			12				6		
	1/2				9	117=6	8			15	(1)			6		
56	1/2				2	69=17	1		2	1				3		2
	1/2				2	69=17	(1)		1	1				2		1
59	2/3	50	3/5	30	30	544=17	5			38/1				24		
	1/5	10	1/5	10	16	181=12	4		(1)	11				10		
	1/5	10	1/5	10	16	181=12	6		2	15		4		8	2	2
	1/3	25	1/4		6 1/4	113=10	1			4				2		
	1/4		1/4		6 1/4	113=10	1		1	6				3		1
	1/2		1/2		12 1/2	227=0	1		1	12		3		4	1	1
60	269=13				18	255=19	7		1	20/2		1		14		1
	272=13				16	258=16	4(1)			28/1				14		
	302=9				-	287=1	9(2)		1	35		1		17		1
	269=18				-	256=3	7		1	22	(1)	1		13		1
	252=10				11 3/4	239=13	9(2)			19				14		
	250=7				12	237=13	7(1)		1	17		3		10		2
65	1/2				6 1/4	308=6	3			7				4		
	1/2				6 1/4	308=6	1			4				1		
66					9 1/4	360=7	1		4	(1)				4		5
67	6 1/4		2 3/16		2 3/16	61=1	2			9				4		
			2 3/16		2 3/16	52=2	3			7				4		
			1 1/2		1 1/2	35=15	2			7/1				5		
	5 1/4		1 7/8		1 7/8	44=13	2			5				3		
			3 3/8		3 3/8	80=8	1		1	9		1		4		1
	5 1/8		1 3/4		1 3/4	41=14	1			6				2		
			2		2	47=13	3			8/1				3		
			1 3/8		1 3/8	32=15	1			3				2		
	4 1/2		1/2		2 1/4	53=12	3			6				3		
			1/2		2 1/4	53=12	3			9				4		
68	5 1/2		5 1/2		5 1/2	197=12	1			5/1				5		
	5 1/2		5 1/2		5 1/2	197=12	(1)		1	7		1		4		1
	5		5		5	179=12	(1)		3	14				4		3
	5 1/2		5 1/2		5 1/2	197=12	6			20				10		
69						54=6	1			2				1		
70	1/4				1 1/2	79=6	1			7				4		
	1/4				1 1/2	79=6	1			10/1				3		
	1/4				1 1/2	79=6	1			3				2		
	1/4				1 1/2	79=5	1			7	(2)			4		
71	1/4				12 1/2	148=15	5			11				5		
		tenant			1	12=4	-			-				-		
					6	80=9	1			9				5		
	1/8				10	201=4	6		2	21		3		7	1	1
	5/16				8 3/4	180=16	4(1)		2	11		3		6	1	2
	5/16				1	20=8	-			-			1	-		1
180	1/2				8	280=7	3			5				1		
	1/2				17	280=6	5			13				1		
181	1/3				18	522=8	1		1	11/1				5		1
	1/3				18	522=8	1		3	3				1		3
	1/3				18	522=7	1		2	8		3		6		2
	joint	tenants			3	90=19	-			-				-		

182	2/3		13	411=0	2		23			8						
	1/3	tenant	4	126=16	-		-			-						
		tenant	8	239=3	1		4/1			5						
			1	29=15	-		-			-						
183	1/5	tenants	13	260=4	1		17/3			8						
	1/5	tenants	9 1/4	179=13	-		-			-						
	1/5	tenants	10	238=19	(1)		8/1			-						
	1/5	tenants	8 3/4	200=18	-		-			-						
	2/15		20 5/8	439=17	(1)		32/1			13						
	1/2		12	146=13	7		14			10						
	1/2		9 1/4	146=13	2(1)		20/1			6						
	1/15		21	293=5	12		28			11	1					1
			8	146=13	1		5			2	1					
			12 1/2	146=12	1		10/1			2	2					
184	1/2		6 1/2	185=15	1		14			5						
			6 1/2	185=15	6		15/1			9						
			6	185=15	2		10			10						
	1/2	tenants	5 3/2	157=11	4		9			6						
		tenants	1	28=4	-		-			8						
		tenant	5 3/4	171=2	8		10			-						
		1/2	1/2	14=14	-		-			-						
		1/3	6 1/4	185=15	8		13/1		0/1	7	1				1	
185			7	718=13	1		7			7						
186	2/15	6	6	198=15	1		8		2	1			1	1		1
	2/15	6	6	198=15	(1)		4			2			2			
	2/15	6	6	198=15	(1)		11			5			5			
	2/15	6	5	165=8	(1)		5		2	2			2		1	
		tenant	1	33=7	-		-			-			-			
		tenants	4	142=0	(1)		11			3			-			
			2	56=15	-		-			-			-			
	1/5	9	9	298=2	(1)		14			4			1	1		
	2/15	6	4 1/2	150=4	(1)		2		1	1			1	1		1
		tenants	1 1/2	48=11	-		-			-			-			
187	9		9	373=8	7		18/1 (2)			8						
	7		7	290=8	5		11 (2)			5						
	8		8	331=19	7		16/1			7						
	8		8	331=18	5		18			7						
188	2	tenants	1 1/2	90=11	1		4			3						
			1/2	31=0	-		-			-			-			
	2		2	121=11	1		5/1		1	1			1	1		1
	2		2	121=11	1		9		(1)	4			4			
	1 1/4		1 1/4	76=0	2		6			5			-			
	joint	tenants	1 1/4	77=7	-		-			-			-			
TOTAL				16933=14	229(8)	29	18(2)	894/23(9)	53/1(2)	34(3)	443	14	20	12	19	4

Note: 1. Shareholding tenants have been shown only if they cultivated on a common holding of a subsection or a village; tenancies within individual proprietary holdings have not been shown. The numbers of families, cosharers and holding-units have also not been shown for tenants.

2. The area of cultivation in each subdivision has been calculated as a proportion of the total area of severalty cultivation in the village, and differs slightly from areas recorded in the 1853 land registers.

3. Families whose members held land in more than one subdivision are shown in brackets. For instance in L-56 there was one 'founding' family whose members held land in each *paṭṭī* (only one man in one holding in each case).

4. Only those *maṣrūr* proprietors have been counted who had a separate holding (L-60:(71), 68:(8), 70:(15), 183:(59), 187:(7), (13), and 188:(9)), or who belonged to a separate family and later regained land (186:(25)), or who were omitted by mistake in 1853 (55:(10)).

5. A holding-unit is defined as the smallest group of proprietors together holding a unit of property (*kheṛwāṭ*). There were almost always more *kheṛwāṭ*s in a village than owner-units, thus defined, since some *kheṛwāṭ*s would be held by several owner-units jointly. The members of "shared" owner-units belonged to more than one type of family: e.g. in L-59 *phola*-c there were two holdings shared by a member of a 'founding' family and his affine(s), (40.) and (42.). In addition there were 12 holdings in 1853 shared by members of different 'founding' families, which are not tabulated here (L-55:(2), (8), (13), 60:(75), 65:(2), 68:(23), 71:(15), 180:(1), (2), 183:(50), 184:(7) and 187:(25)).

was recorded by Gokul Kumar that a man's young sons had been unable to succeed him on his death because they were too young to manage cultivation ("lā'iq kāsht karne ke nahīn hain"); his shareholding tenancy (.38) was taken up as a tenancy at will by someone else and the two sons disappeared behind the veil of the records without further trace. Possession may have been nine-tenths of the law as far as tenancies were concerned but for landed property it was the rule of the tenth part of the law that now prevailed.

#### 4.2 Colonization and the formation of shareholding groups

The foregoing analysis of the cases of *mafrūr* shows the process of colonization from the viewpoint of those who never settled in the same village as their close agnates, or who abandoned their holdings for some reason. Analysis of tenancies in the following chapter will show the agricultural population in flux at a different phase of colonization, namely through the formation of agricultural partnerships some of which would lead to full incorporation into a shareholding community but some of which would remain temporary. In the mean time, some idea should be given here of the central phase of colonization when shareholding communities of cultivators were first established in the locality. The question to be addressed is whether colonization was effected all at once or whether it was a more gradual process. How did colonists constitute themselves and in what manner did they occupy the land? How could a constitution, once established, be adapted through some mechanism to accommodate fluctuations and movements, the flux in the agricultural population?

Table 4.1 on the previous two pages shows the number of proprietary families, and the number of their holdings, in each subdivision of each village of the core sample in 1853. For convenience, Table 4.1 is further summarized in Table 4.2. By family is meant here any defined group of agnates for whom a genealogical connection was made in the official genealogies of the 1882 Settlement. A family, by this

Table 4.2 Number of families and holding-units among proprietors in each village of the 20-village core, 1853

	no. of subdivisions		area cultivated by shareholders (in bighās)	no. of proprietary families			no. of proprietors						no. of holding-units			
	patī	thola		'founding'	affine	other	'founding'	affine	other	'founding'	affine	other	'founding' (shared)	'founding' (shared)	'founding' (shared)	'founding' (shared)
55	2		234=12	15			27 (1)						12			
56	2		139=14	1		3	2						2			
59	2	6	1362=1	18	3	1	86/1		7		5		51	3	3	2
60	6		1535=5	43	4		141/3 (1)		6				82		5	
65	2		616=12	4			11						5			
66	-		360=7	1	4		10/1		9		1		4		5	1
67	4	10	503=5	21	1		69/2		1				23		1	
68	4		772=8	7	1	7	46/1		1		16 (2)		34	1	1	9 1
69	-		54=6	1			2						1			
70	4		317=3	4			27/1 (2)						13			
71	4		643=16	16	4	1	52		6		1		23	2	1	3 1
180	2		560=13	8			18						2			
181	3		1658=2	3	2	4	22/1		3		4		12		2	4
182	2		806=14	3			27/1						13			
183	5	5	2199=7	24	5	1	134/7		14 (2)		1		56	4	3	3 1
184	2	6	1114=11	29	1		71/2		0/1				45	1	1	
185	-		718=13	1			7						7			
186	7		1490=12	1	3	1	55		5		1 (1)		18	2	2	1 1
187	4		1327=13	24			63/2 (4)						27			
188	4		518=0	5	1		24/1 (1)		1				13	1	1	
TOTAL			16933=14	229	29	18	894/23 (9)		53/1 (2)		34 (3)		443	14	20	12 19 4

definition, often consisted of a single registered proprietor, since there might be many proprietors in a village for whom the genealogies recorded no more than the names of their fathers. It must always be understood that behind the one registered person there might be many unregistered dependants. Villages ranged in type from, say, L-186 at one end of the spectrum, where there was only one large ancestral family distributed over seven subdivisions and having three small affinal branches or offshoots, to L-187 at the other end, where all 27 constituent families were "founding" families, and all but three of them were limited to a single holding. Alternatively, one may view the spectrum from L-69 at one end, with a single family on a single holding (not in fact leased out, although this cannot be read from the Table), to L-180, at the other end, whose



foundation was so recent that allotment of separate holdings to the different constituent families had not yet taken place. Certain villages of course had an intermediate mixture of types. One half of L-65, for instance, was held by one family in a single holding (much of which was leased out) whereas the other half was held in severalty by four different families. By contrast,  $\frac{3}{5}$ ths of L-183 were held by a single ancestral family of Rajputs whose members were distributed over three subdivisions and 25 holdings. The remaining  $\frac{2}{5}$ ths of the village estate were held by 30 different families of Gujars, 5 of them affinal offshoots of 'founding' families.<sup>6</sup>

<sup>6</sup>The tenure of L-65 as a whole was classified in 1853 as *bhāīachārā* (because the village was divided into two *paṭṭīdārī*s but there was some undivided common land shared by both), although the tenure of the second subdivision would be classified on its own as *zamīndārī* (a single undivided holding belonging to four brothers jointly and consisting of their own home farm, several tenancies and some uncultivated land). Altogether 272 out of the 294 villages situated in Ludhiana *taḥṣīl* at the time of the 1853 Settlement were classified as *bhāīachārā*, 17 as *zamīndārī* and 5 as *paṭṭīdārī* (here meaning completely divided without any common land shared by the subdivisions) (Davidson 1859:21), but this does not tell much about the variety of forms of subdivision in fact covered by the term *bhāīachārā*, as the example of L-65 shows. The term was being used residually to cover any tenure that was neither pure *zamīndārī* nor pure *paṭṭīdārī*. In the stricter classification of the current *Directions for Settlement Officers*, the tenure of such villages would probably have been called 'incomplete *paṭṭīdārī*' (*paṭṭīdārī ghair mukammal*), meaning divided in severalty but with some land held in common, while the additional label *bhāīachārā* would have referred to the apportionment of liabilities among the proprietors according to custom as opposed to "ancestral laws of inheritance" (N.W.P. 1844:para.94). This is a little more informative. But in any case the scheme of classification tells nothing about how the land was laid out, since it concerns the village estate as property and/or the apportionment of revenue amongst proprietors, and proprietary rights were not awarded at the first Settlement on the same principles that had governed the allotment of land; the systemic relation in village organization between land and revenue, or between common resources and common liabilities, was not addressed. Moreover, the meaning of *bhāīachārā* and its relation to *paṭṭīdārī* changed over the course of the nineteenth century, first being applied as a subset of *paṭṭīdārī* to local descent groups which had their own rules of measurement and customs of apportioning liabilities amongst themselves (see Appendix E, dated 1794, to Holt Mackenzie's Memorandum of 1819 in N.W.P.

The articulation between the system of families, on the one hand, and subdivisions of a village estate, on the other hand, is of great theoretical importance since it bears on the dominant ideology of corporateness and on the way society came to be conceived. One view which was clearly favoured in British official circles towards the end of the nineteenth century saw village communities in the Panjab in terms of direct unilineal articulation between families, lineages, clans, tribes and races. According to this view, immigrant Aryan tribes had colonized whole tracts of North India at some time in the remote past, bringing with them their own particular customs of land tenure and rules of inheritance.<sup>7</sup> Village communities had grown by spontaneous or natural

1866:169-172), then being widened to cover brotherhoods not necessarily connected by common descent (see Wilson 1855), and finally ending up as a residual category of tenure, distinct from *paṭṭīdārī*, covering any body of proprietors and any custom or lack of it. In the evolutionary framework favoured in the second half of the nineteenth century, *paṭṭīdārī* was considered the natural sequel to *zamīndārī* while *bhāīachārā* was a collapse, natural or deliberate, of both. Officials themselves had difficulty applying the schema. For instance the tenure of L-65 was described in the 1882 Genealogy of Proprietors first as *paṭṭīdārī ghair mukammal* (incomplete *paṭṭīdārī*) and then corrected to *bhāīachārā ghair mukammal* "because the apportionment of revenue is on soil rates rather than on shares" (*chūnki ab tafrīq-i jama' bar-khilāf ḥiṣāṣ ba-rū-e parta qismwār huī, is liye sūrat-i gānw bhāīachārā ghair mukammal hai*). Baden-Powell had considerable reservations about the official classification of tenures in the Panjab (1896:356). For the Ludhiana *taḥṣīldār*'s definition of *bhāīachārā* in 1849, see page 312,fn.79. For another official's opinion on the artificiality of the schema, see Muhammad Jamal al-din Hasan (1853:4): "Until now village people do not use these words to describe arrangements in their estate, but instead speak of their estate being divided or not divided or part divided and part joint" (*ahl-i dīhāt ab tak apne chalan aur farīq-i mauẓa' ko in alfāz ke sāth musta'mal nahīn karte haiñ balki ab tak wuh log yūñ kahte haiñ ki hamāra mauẓa' baṭā hai yā nahīn baṭā hai yā kuchh baṭā hai aur kuchh shāmil hai*). For purposes of analysis, therefore, the official scheme of classifying tenures is of little use. What one needs to know is the overall pattern of landholdings on the ground — proprietary holdings and tenancies, revenue-paying and revenue-free, severalty and joint — and this can be done only with reference to a field map.

<sup>7</sup>See the quotation from Baden-Powell on page 253 below.

generation and segmentation; property within them had devolved regularly by inheritance. The only "true" village communities thus consisted of the descendants of one or two founding ancestors, who constituted the body of proprietors, together with their tenants and village servants, who represented the conquered races and incidental later accretions. Present-day village subdivisions corresponded to segmentary lineages; individual units of property (*khewats*) corresponded to joint families which in the fullness of time would grow to become separate subdivisions on their own.<sup>8</sup> The only proper form of shares within a proprietary community was therefore that determined by patrilineal inheritance.

An alternative view is that colonization of the land was always a varied and changeable process in constant flux, and that continued occupation of the land had required continual balancing of the demands of the State against the resources and the needs of the community. According to this view, the household as unit of production, rather than the family defined solely by patrilineal kinship, was the cell from which society was built. Villages were made up of subdivisions, each consisting of a group of households, a brotherhood not necessarily related through kinship, which shared the management of a given proportion of agricultural production on a given territorial estate. Land was allotted to each constituent group of households according to mutually agreed proportions, and within each group to the constituent households according to their different productive capabilities. As circumstances changed, both internally in relation to households and externally in relation to the State, the land had periodically to be reallocated, in order to maintain the balance between households' capabilities and the State's demands. Reallotment might take place within one of the constituent groups of households or between

<sup>8</sup> "It may be suggested that the *raiayatwari* village seems to depend originally on the idea that the house-father is the separate and sole owner, whilst the *joint-village* represents the more developed idea of the joint-family and the limitation (not to say extinction) of the *patria potestas*" (Baden-Powell 1896:418).

subdivisions or in the whole village, depending on circumstances. The constitution of a village in terms of intermediate groups gave the system of regular balancing both stability and flexibility. According to this view, a particular household's share resolved three different relations: (a) the subsistence needs of the household from the land, (b) the household's command of common resources in the village, and (c) the State's demand from the village in the levy of labour or taxes. Shares, expressed in ploughs, tied the constituent households not diachronically into past and future families, the hallowed frame of property, but into an immediate, synchronic commitment to (a) the land, (b) the community and (c) the State.

The contrast between these two views, although perhaps overstated, may nevertheless generate questions for analysis about the course of introduction of British rule and after. The kind of data we have used belongs, after all, entirely to the period of British rule. If descent was given greater weight by the British in the initial award of proprietary rights than, say, non-kinship or extra-kinship economic partnerships, and if the dominant ideological representation of a village community was its genealogy of proprietors, then evidence for the alternative view will not be easily found in the land revenue records, without specially looking for it. There is sufficient *prima facie* evidence, however, for the case to be worth investigating. The chief alternative representation of a shareholding village community will be for us the field map of its territorial estate. But first the official British definition of village subdivisions must be explained.

#### 4.2.1 Village subdivisions: the view of the State

The official British terms used in the Panjab for subdivisions of a village-estate were *pattī* for a primary subdivision and *thola* for a subdivision of a *pattī*.<sup>9</sup> These terms have been

<sup>9</sup> Subdivisions of the urban estates of Ludhiana were also termed *pattīs* while the urban estates themselves, although separate administrative units,



discussed in the anthropological literature mainly in relation to kinship groupings such as the *birādarī*, or extended kin group, and the local descent group or lineage.<sup>10</sup> The emphasis on kinship may truly reflect present-day conditions of land tenure, when joint liability for revenue is unimportant and landholdings are no longer thought of in terms of shares. But for the middle of the nineteenth century, when our understanding of society must be drawn from a reading of the official land-revenue records, the terms *paṭṭī* and *thola* have to be considered not just in relation to kinship. At that time all three sides of the triangle of land-tenure, i.e. relations between land, the community and the State, were important to the formation of *paṭṭīs* and *tholas* as social groups.

From the view of the State a village-estate or *mauza* was defined as a unit of land-revenue administration. For the revenue of this unit all those whom the State had identified as the proprietors were held jointly liable. The subsidiary units of joint liability within the village were the *paṭṭīs* and the *tholas*. Ultimately a subdivision could be auctioned by the State if its proprietors failed to make good its share of the regular revenue demand.<sup>11</sup> The principle of joint revenue liability was thus carried within the village to its subdivisions and then within a subdivision to the individual revenue-paying units, or *khewats*, whose cosharers had to make good the default of one another. Proportions of liability between one level and the next level up could be

expressed in a variety of ways. At the lowest level, within a *khewat*, shares were virtually always expressed in fractions determined by rules of inheritance. But within a subdivision, a *khewat*'s share was usually expressed in the conventional measure of "ploughs", which often ran counter to inheritance rules, or it was calculated by the proportion of land held by the *khewat* in the subdivision. The shares of subdivisions within a village community as a whole were sometimes expressed as fractions of the corresponding territorial estate, sometimes as so many "ploughs" and occasionally just in terms of its absolute area, depending upon how the land had been allotted and how it had continued to be occupied and tilled. Table 4.1 shows this variety. In some villages the "ploughs" at one level were a different size from the "ploughs" at another level. For instance in L-59 there were two *tholas* which measured 10 "ploughs" each in relation to their *paṭṭī* and to the village, but internally each was reckoned as 16 "ploughs". The matter of variation of standard will be discussed fully in Chapter 8.

Land was the basis of revenue, more particularly productive land. From the point of view of British imperial government, however, if revenue was to be collected in cash and was to remain fixed for a period of 20 to 30 years, then assessments should be based on the general assets of a village, including indirectly its social assets,<sup>12</sup> rather than on the annual extent and quality of its cultivation. For a modern government the land revenue had to be predictable, there had to be a budget. All land within the boundaries of a village estate therefore became subject to assessment under British rule, including uncultivated waste. At the same time, since all waste land was included within village boundaries — except where it was very extensive and the government laid prior claim to manage it directly —, it was deemed to be the property of the landowning community, whether held

were called *tarafs* of the town. Other official terms for village subdivisions were used in other districts and provinces.

<sup>10</sup> Alavi (1972:3-4), Hershman (1981:15,99,112-3), Inayat Ullah (1958:175-6), Leaf (1972:195-6).

<sup>11</sup> Clause 3 of the 1853 *wājib-ul-'arḡ* concerned arrears of revenue (*be-bāqī mu'āmila*). To make good the revenue of a proprietor who defaulted, his land had first to be offered to his cosharer, then to the shareholders of his subdivision, then to the shareholders of the whole village. If the whole village refused, then first the defaulter's land was auctioned, then, if that was not enough to cover the arrears, the land of his subdivision, and then finally the whole village.

<sup>12</sup> "The character and capabilities of the cultivators, are every bit as much a part of the assets of an Estate, as are the soil and water on it to be worked by them" (Davidson 1859:para.46).

collectively ("in common") or partitioned into separate holdings. The units of revenue liability were thus made identical with the units of property at all levels. The basic unit was the *khewaṭ*. But *ṭholas*, *paṭṭīs* and the village-as-a-whole also became units of property, both in an immediate sense, as holdings of all the land that had not been allotted to individual *khewaṭs* for their separate management; and in a reversionary sense, i.e. in the sense that land abandoned by an individual would revert to the *ṭhola* or the *paṭṭī* in the absence of a close kin claimant within the individual's *khewaṭ*. Thus defined, the common holding of a *ṭhola*, *paṭṭī* or village-as-a-whole might contain only the topographically distinct 'commons' (the uncultivated waste), but it might also contain the cultivated allotments of tenants who were not dependants of individual *khewaṭs*. It is important to bear in mind that "*shāmīlāt*", or 'common holding', was a term of tenure rather than a descriptive category of land. The share that defined a proprietor's contribution to the revenue defined also his proprietary interest in the common holdings of the *ṭhola*, the *paṭṭī* and the village as a whole. The fact that contributions to the revenue, reckoned in the same idiom of shares, might also have been made by cultivators who, under the rule of property, were made tenants not proprietors, was considered a technical matter not bearing on the rights of those same cultivators in the soil. Under British rule, the shares of tenants were rendered obsolete, while the shares of proprietors became the badge of membership to true, ancestral village communities.<sup>13</sup>

A third official feature of the system of *paṭṭīs* and *ṭholas* was the appointment of a headman or *lambardār* through whom the revenue would be paid. Not all subdivisions of a village had official headmen; the appointment would be made depending mainly upon the size of the village, although the existence of internal factions was also taken into account. At the 1853 Settlement headmen were usually remunerated with 5 per cent of the revenue they collected

<sup>13</sup> For the process by which this ideological transformation was accomplished see Chapter 6.

annually. At the start of British rule, the emphasis was more on limiting the powers of appointed headmen, but later, at the 1882 Settlement, honorary posts of *safedposh* and *zaildār* were created, for which only village headmen were eligible, the chief qualification being a combination of loyalty to the State and local influence. *Taḥṣīls* were thus divided into a number of localities, called *zails*, each consisting of villages whose dominant landowners as nearly as possible belonged to the same clan or tribe, and over which the *zaildār* was supposed to exert his influence.<sup>14</sup>

From the accounts given in the 1882 Genealogies it is clear that in many villages *paṭṭīs* and *ṭholas* were created for the first time at the 1853 Settlement. The appointment of headmen and the recognition of village subdivisions was all "to facilitate the payment of revenue" (*wāṣṭe saḥūliyat-i mālguzārī*). Certainly an attempt was made to recognize those subdivisions which the cultivators themselves had constituted.<sup>15</sup> But where necessary subdivisions were created. In some cases this may even have been attended by a complete reallocation of land;<sup>16</sup> and in other cases by

<sup>14</sup> The *zail*-books of district Ludhiana are preserved in the Revenue Records Room. They contain the notes of the Settlement Officer on the appointment of each *zaildār* and were kept up to date by successive Deputy Commissioners.

<sup>15</sup> In L-101 the preliminary registers of Gokul Kumar were first made out for *paṭṭīs* corresponding to the pre-British division of the village between two different States, those of Lahore (whose half was assigned to a *jāgīrdār*) and of Ladwa. The Settlement Officer, Davidson, ordered the registers to be prepared again "on the basis of whatever division was operative among the cultivators themselves" (*jis tarḥ se taqṣīm paṭṭiyāt kī, zamīndārān ke āpas meṁ, hotī us taqṣīm kī rū se khewaṭ murattab kamā*). Gokul Kumar's deputy reported that after some trouble he had secured the papers of the village for the years 1817 to 1833 from the cultivators; that in some years the distribution of expenses had been on 58 "ploughs" and in others on 55, but that throughout the period there had been no division into *paṭṭīs*; and that finally in 1835 seven *paṭṭīs* had been formed of 8¼ "ploughs" each. These latter seven *paṭṭīs* became the basis of the final Settlement registers of the village. See page 326, footnote 12 below.

<sup>16</sup> For L-157 the account in the 1882 Genealogy goes (in my translation) as follows: "From time to time the descendants brought land under cultivation and sunk wells; but from the initial acquisition of proprietorship (*ḥuṣūl-i*



adjusting the quantity of land possessed, in order to tally with the allotted shares.<sup>17</sup>

Subdivisions had, however, existed before British rule. Here is a selection of reasons cited in the 1882 histories for the formation of village subdivisions.

When the descendants made improvements and arguments started to develop about extending cultivation and about the ruler's demand for labour (...*kār-i begār-i hākim-i waqt*)... (L-186)

In order to regulate the account of village expenses etc. (*wāṣṭe durustī ḥisāb malba waḡhaira ke*)... (L-59, concerning division of the Awan *paṭṭī* into *ṭholas*)

With a view to facilitate the payment of revenue and the cultivation of land not yet occupied (...*wa taraddud-i raqba ḡhair ābād*)... (L-60)

In order to resolve disputes which continued among the founders' descendants concerning the possession of good and

*milkiyat*) until the time of the Sikhs there was never a partition of the land; every proprietor owned whatever he possessed (*har ek mālik apne apne maqbūza kā mālik rahā*). When British rule came, arguments would develop whenever the government revenue had to be paid because some had more land, some had less, some had good, some had bad (*ba-wajah hone kamī-beshī wa nāqīs-kāmil raqba ke*). After setting aside some land for the village commons, all the remaining land under the occupation of the proprietors was mixed up (*makhḷūt*) and divided into three *paṭṭīs* and 60 ploughs (*bāqī kull raqba maqbūza har ek mālik ko makhḷūt kar-ke 60 hal qarār de-kar ūpar tīn paṭṭiyon ke ... taqsim kiya*)."

The word *makhḷūt* was used in the 1882 account of a village outside the sample, S-86, to describe the process of combining holdings for the purpose of general reallocation, as follows. "*Ba'd bandobast qānūnī ... akṣar mālikān kī haqqīyat men se kuchh kuchh arāzī kam wa ziyāda zer sarak wa chaukī ho gaī; to us waqt jumla mālikān ne, ba-raṣāmandī bāhamī ke, beshī pūrī kame kī ḡharaz se, bilā lihāz qabza sābiq, kull raqba dīh ko makhḷūt kar-ke, ḡasb-i ḥiṣāṣ mundaraja bālā, az-sar-i-nau bānī diyā*." In this case there was a complete reallocation of land after the 1853 Settlement, to an existing body of proprietors on the basis of existing shares, since land had been taken up by a police post and a new road. It is the only recorded case I came across.

<sup>17</sup> In L-39 three *paṭṭīs* were created at the start of British rule in the ratio 2:2:3. Possession was said not to have been disturbed except to make the necessary adjustments of area ("*arāzī mālikān maqbūza paṭṭiyāt ko ba-hāl rakh-kar jis qadr kamī jis paṭṭī ko, ba-muqābila dūsri ke, ma'lūm huī darj kiya gayā hai*").

bad land (*wāṣṭe raf' fasād jo bāhamī aulād mūriṣān, bābat zamīn achchhī wa nāqīs maqbūza ke, rahtā thā*)... (L-176)

There had also been headmen before British rule, individuals responsible for collecting the revenue who were rewarded with a percentage of the revenue, a share of the grain,<sup>18</sup> or with an exemption on so much area of cultivation.<sup>19</sup> The 1853 Settlement Officer complained that, because of the "indiscriminate manner" in which proprietors and non-proprietary cultivators had been treated under Sikh rule, many of the more powerful headmen (called *in'āmdārs*, after *in'ām* meaning reward) had been "emboldened to put themselves forward as the sole proprietors".<sup>20</sup> According to the 1882 account of one village, L-182, the appointment of headmen before British rule had been related to the recognition of *paṭṭīs*: "In the days of the Agent Lala Kishan Chand, when headmen were appointed in the village for the allocation of village expenses and so on, two *paṭṭīs* became known by the names of the headmen."<sup>21</sup>

In sum, the most that can be said about the recognition of village subdivisions and the appointment of headmen at the start of British rule, as compared with before it, is that more individuals were appointed than had existed beforehand; that the office of headman was tied to the formation of *paṭṭīs* and *ṭholas* in a manner that had not previously been general; and that subdivisions were now endowed with a formality and a permanence that made future adjustments

<sup>18</sup> 10% of the *jāgirdār's* portion in L-84; in L-86 10% plus 205 *man* of grain per year.

<sup>19</sup> The area was given in "ploughs" in some villages (L-76, 88) and in *bīghās* in others (L-83).

<sup>20</sup> Davidson (1859: paras. 62 and 17). Note that *in'ām* did not have the same sense in the revenue-language of the Panjab as in that of Madras, as the latter has been elucidated in Frykenberg (1977) and Dirks (1985).

<sup>21</sup> The word used for headman in this account is *panch*, which is unusual. In the records of the 1853 Settlement the term *panch* occurred in only one clause of the *wājib-ul-arz*, relating to collection of the watchman's dues from every household of the village; the names of the *panches* were recorded in the same clause. A *panch* was not always a *lambardār*. In L-75 there was a single *lambardār* but two *panches*: another proprietor and an occupancy tenant.

unlikely. This, however, is the official version. The field maps present a rather different picture.

#### 4.2.2 Village subdivisions: the allotment of land

The distinctive feature of the field patterns of almost all villages around Ludhiana in 1853 is what Baden-Powell called "equally valuated holdings" and Walter Neale referred to as "fair shares".<sup>22</sup> The cultivated land of each subdivision was divided into a number of fields or blocks and in each field every shareholder had a strip of land commensurate with the size of his share. Any one field or block was considered uniform in value, on a scale determined by the village itself from factors such as drainage, irrigation, soil, access and the ease with which it could be manured. The order of strips within a field was determined by casting lots.<sup>23</sup> Thus every shareholder had his fair share of all qualities of land scattered around the village, and no two shareholders necessarily cultivated adjacent strips in every field. In a perfectly regular allotment the lay-out of strips in any one field was an exact replica of the subdivision's constitution. The relative width of a strip showed the cultivator's share, but there was otherwise nothing to distinguish one shareholder from the next. The order of strips revealed nothing about either kinship links or status differences between shareholders.

There were nevertheless some differences in the way land was allotted, and some differences in village constitutions depending on how closely subdivisions followed the allotment pattern. At one extreme (L-81) fields appear to have been brought under cultivation haphazardly, without any order, and no subdivisions were formally acknowledged. Landlord estates, in which 90% of the cultivation was in the

<sup>22</sup> Baden-Powell (1896:216), Neale (1969:5).

<sup>23</sup> See the account quoted in Baden-Powell (1892 ii:678-681) from the 1855 Ferozepore Settlement Report (Brandreth 1859:paras.213-6). Among village histories appended to 1882 Genealogies only that of L-158 specifically mentioned casting lots (*qur'a andāzi*).





Map 4.1 L-59: village subdivisions (pattis and tholas), 1853.

hands of tenants, were frequently of this type, although there was an important sub-class of villages in which both landlord and tenants had regular allotments (L-158).<sup>24</sup> In some villages subdivisions bore no relation to the way the land had been allotted within the village, but seem to have been imposed artificially for administrative convenience in the collection of revenue. For instance, in L-187 the *paṭṭīs* were looser confederations of shareholders: at the two previous Settlements of the village, in 1839 and 1842, five and two *paṭṭīs* had been constituted respectively, whereas in 1853 there were four. In villages where land had not been allotted systematically there might still be *paṭṭīs*, as in L-83 where two *paṭṭīs* were formed in 1853 by grouping all Arain cultivators into one *paṭṭī* and all Dogar cultivators into the other.<sup>25</sup> Conversely, where the allotment had been systematic, the divisions of the land might not be mirrored exactly in the *paṭṭīs*. For example the field pattern of L-183 shows that a primary division in the allotment was between the three Rajput *paṭṭīs* on the one hand and the two Gujar *paṭṭīs* on the other; but there was no official recognition of this distinction. There might also be unofficial sub-subdivisions, for instance in L-59 where land of the third Awan *ṭhola* had been allotted in two halves, one to each side of the proprietary family. The field maps of L-59 and L-183 will now be examined in greater detail.

#### 4.2.2.1 L-59: segmentation and nesting

The field map of L-59 was presented earlier to illustrate the position of *mu'āfi* plots in relation to the general division

<sup>24</sup> See Map 5.1 facing page 188 for the proportion of cultivation in tenancies in 1853. The field maps of L-158 and L-81 are reproduced in Maps 7.1 and 7.2 facing pages 301 and 304 respectively.

<sup>25</sup> According to the account appended to the 1882 Genealogy the *paṭṭīs* were formed at the 1853 Settlement "to facilitate the payment of revenue": "Since there were no subdivisions and no shares, all Dogars were grouped in the Dogar *paṭṭī* and all Arains in the Arain *paṭṭī*" (*jis qadr qaum Dogar the Paṭṭī Dogar meñ, aur jis qadr qaum Arain ke log the Paṭṭī Araiyān meñ, shāmil ho ga'e*).



between allotments and commons.<sup>26</sup> Map 4.1 shows how land was divided in L-59 between the two *paṭṭī*s and then subdivided between three *ṭholas* in each *paṭṭī*. The division between the two *paṭṭī*s was into two distinct sectors, without any intermingling. The division into *ṭholas*, however, followed the principle of equal valuation, albeit with some difference between the two *paṭṭī*s. The primary division of the Arains' *paṭṭī* ( $\frac{2}{3}$  of the whole, or 50 "ploughs") was between *ṭhola-a* ( $\frac{3}{5}$ , or 30 "ploughs") and *ṭholas-b* and *c* together ( $\frac{2}{5}$ , or 20 "ploughs"). Officially, *ṭholas-b* and *c* were distinct subdivisions holding  $\frac{1}{5}$  of the *paṭṭī* each. But the minute intermingling of *ṭhola-b*'s land with that of *ṭhola-c* suggests that these *ṭholas* were artificial confederations of different families formed after the land had been allotted rather than before. In *ṭhola-a*, by contrast, the allotment of strips to shareholders was regular, with each shareholder cultivating a strip in each major field.<sup>27</sup>

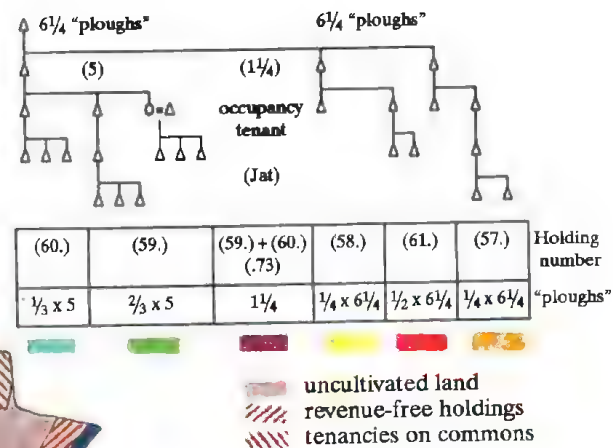
The division of the Awans' *paṭṭī* into *ṭholas*, on the other hand, was regular. I have outlined fields in red on the map, within which each *ṭhola* had its own band of allotments.<sup>28</sup>

<sup>26</sup> See Map 3.3 facing page 105.

<sup>27</sup> According to the *taḥṣīldār*'s assessment report of 1850 (the first item of the second bound volume of 1853 Settlement papers) the founder of *ṭhola-a* had initially held the whole *paṭṭī*, but had then brought in the founders of *ṭholas-b* and *c* and divided the *paṭṭī* in half, with *ṭhola-a* taking an additional  $\frac{1}{5}$  of *ṭhola-b* and *c*'s half. This explanation was not repeated in the account of the 1882 Genealogy and does not really accord with the lay-out of fields. The fraction  $\frac{1}{5}$  keeps recurring in partitions which involved one person or group having some precedence over another.

<sup>28</sup> It should be said that the outline of fields in red is not based on the surveyor's entries but has been deduced by me from the pattern of allotments. In the field registers (*khasra paimā'ish kishtwār*) of the 1853 Settlement there was a column headed "name of field" (*nām khet*). These names might have been expected to coincide with the major divisions between allotments. I have only mapped the details for three villages, L-59, L-76 and L-158. The results are inconclusive. In L-59 the registered field-names indicate general areas of the village rather than clearly demarcated zones of allotment. For instance all the long strips in the south of L-59, north of the stream, in both the Awans' *paṭṭī* and the Arains' *paṭṭī*, were called "*lammi band*" although clearly they formed separate allotment zones;

Awans' *pattī* =  $\frac{1}{3}$  of village  
*Ṭhola-f* =  $\frac{1}{2}$  of Awans' *pattī*  
 =  $12\frac{1}{2}$  "ploughs"



Map 4.2 L-59: shareholders' allotments in *Ṭhola-f*, 1853.



Within the larger bands the allotment of strips to individual shareholders was also regular. But in the smaller bands not every shareholder had a strip; instead, several bands together formed a unit within which each shareholder had his proper share.

Map 4.2 shows individual allotments within *thola*-f. The genealogy of the *thola*'s proprietors is shown beside the field map. Although the share of the *thola* in the *paṭṭī* was  $\frac{1}{2}$  (12½ "ploughs" out of 25) its lands were allotted as two separate quarters, with one branch of the proprietary family having strips in one quarter and the other branches of the family strips in the other quarter. The senior branch had an occupancy tenant (.73) on  $\frac{1}{5}$  of its land, equivalent to 1¼ "ploughs". The location of this tenant's strips was irregular, posing the double question (1) whether he was a fully incorporated shareholder of the branch at the time of initial allotment — probably not — and (2), if not, what it means to say he was a shareholder at all, or what the nature was of incorporation. To answer this question in advance of the argument, coparcenaries were like Chinese boxes. To discharge his share, a shareholder in one coparcenary might create a smaller coparcenary around himself, the one nesting within the other. If this was done after the initial allotment of land then any newcomer would not have broken up uncultivated land in the same sense as an original allottee, a distinction of status which might become reflected in the officially designated distinction between 'tenant' and 'proprietor'. But the newcomer would still be a participant in the allotment, a shareholder in the smallest agricultural cooperative and thereby in the whole nest of coparcenaries, even if he owed his shareholding status to a particular patron or host. The proper question to ask, therefore, is the vocabulary in which to frame a certain variety of agrarian relations. For the moment my intention is to demonstrate that the process of colonization of villages had been a

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and this name was also given to some strips belonging to the Arains' *paṭṭī* on the south of the stream.

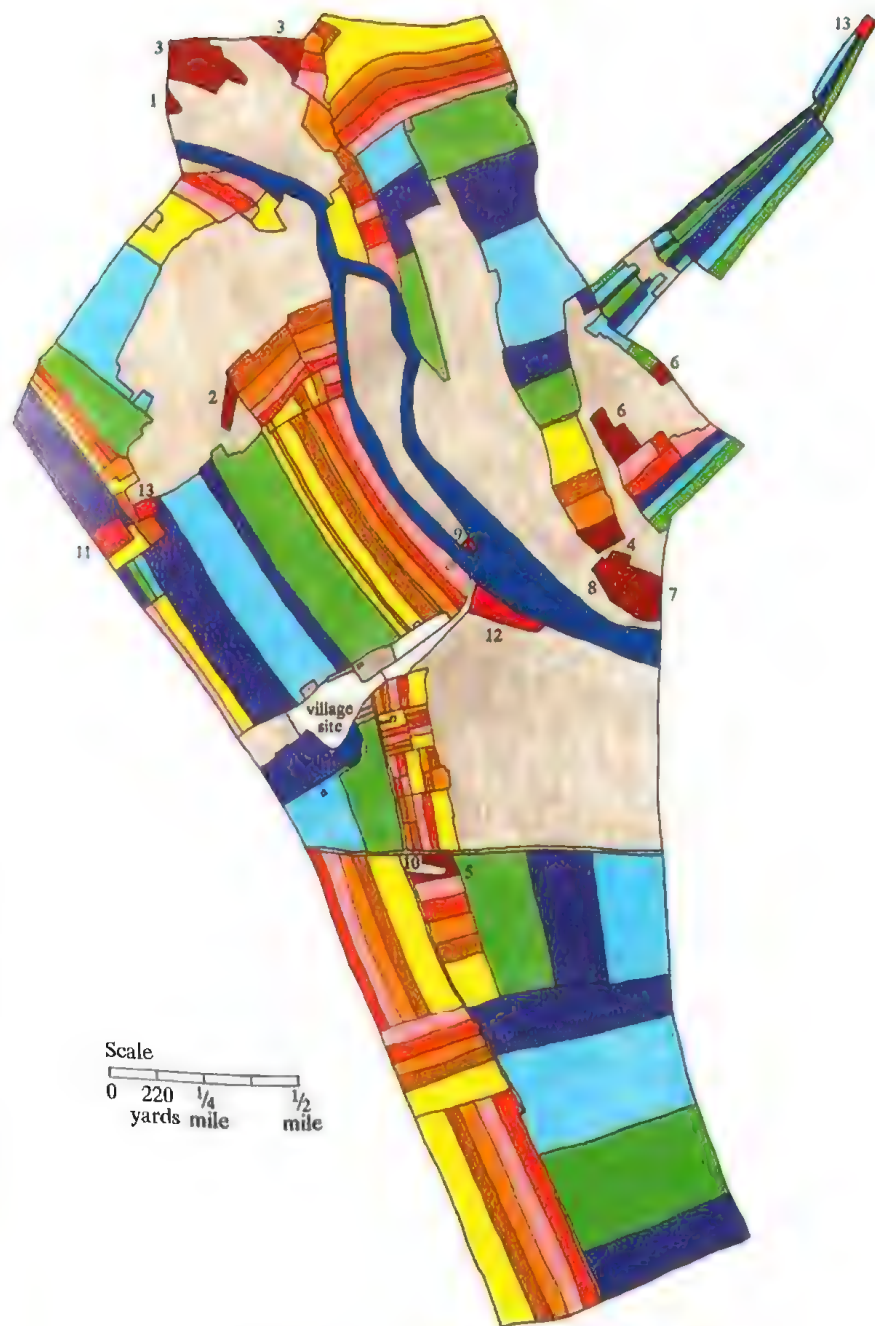
continuous process, and that the system of shareholding had had to be correspondingly flexible. A model of shareholding communities has to allow for the incorporation of newcomers by individual members of the community, as well as by groups, without this entailing a complete reallocation of all holdings in the village.

#### 4.2.2.2 L-183: a perfect brotherhood

The second example of allotment is taken from L-183. According to the 1882 historical account of the village, Gujars were settled on  $\frac{2}{5}$ ths of the village at the end of the eighteenth century by the local ruler "because the village had extensive land" (*chūn-ki raqba ziyāda thā*). Whatever the exact chronology, in 1853 one large family of Rajputs owned  $\frac{3}{5}$ ths of the village, with members of the family distributed over three equal *paṭṭīs*. The remaining  $\frac{2}{5}$ ths were held by a number of Gujar families in two *paṭṭīs*, which were subdivided into two and three *tholas* respectively. From the field map opposite it is clear that the primary division in the allotment was between the Rajput *paṭṭīs* and the Gujar *paṭṭīs*, and that unlike L-59 the principle of equal valuation had applied to this primary division as well as to subsequent levels of allotment. Two other points may be noted from the field map: firstly the location of *mu'āfi* plots and of one or two tenancies on the various commons, outside the allotment system; secondly the intricate intermingling of the Gujar allotments immediately to the east and south-east of the village site. These latter allotments were irrigated from wells. It is a general feature of allotment patterns that unirrigated land was usually laid out in strips while a more minute allotment was made of the more valuable irrigated land.<sup>29</sup>

<sup>29</sup> For L-181, 182, 183 and 184 I copied the field maps of the 1882 Settlement, not those of 1853. For L-183, changes between 1853 and 1882 included the sinking of additional wells, an 11% increase in cultivation (probably to the north-east, where the allotment of strips to tenants was less regular), a partition of much of the commons between the Rajput and the





### Key to Map 4.3

#### Rajput subdivisions

- *Paṭṭī*-A ( $\frac{1}{5}$  of village)
- *Paṭṭī*-B ( $\frac{1}{5}$  of village)
- *Paṭṭī*-C ( $\frac{1}{5}$  of village)

#### Commons

- Tenancies-at-will
- *Mu'āfidār*s
- Streams and ponds
- Uncultivated

#### Gujar subdivisions

- *Paṭṭī*-D ( $\frac{2}{15}$  of village)
- *Ṭhola*-a ( $\frac{1}{2}$  of *paṭṭī*)
- *Ṭhola*-b ( $\frac{1}{2}$  of *paṭṭī*)
- *Paṭṭī*-E ( $\frac{4}{15}$  of village)
- *Ṭhola*-c ( $\frac{1}{2}$  of *paṭṭī*)
- *Ṭhola*-d ( $\frac{1}{4}$  of *paṭṭī*)
- *Ṭhola*-e ( $\frac{1}{4}$  of *paṭṭī*)

Tenancies-at-will on commons (only one is continuous from 1853)

Of the three Rajput *paṭṭī*s jointly:

- 1 [.82] Rent-free to a Saiyid of Payal (a *qasba* 15 miles to the S.E.) for former tax services (*sazāwālī*)
- 2 [.83] Rent-free to a Mirasi (bard/genealogist)
- 3 [.84] An Arain of L-59 (adjacent village to the north)

Of the two Gujar *paṭṭī*s jointly:

- 4 [.156] Two Chamars
- 5 [.157] Rent-free to a barber, (.117) of 1853
- 6 [.158] A non-proprietary Gujar

Of the whole village:

- 7 [.161] The headman of *Ṭhola*-c
- 8 [.162] Another non-proprietary Gujar
- 9 [.163] The same as [.158]
- 10 [.164] Rent-free to a Faqir who looks after a *takīya*

Apart from these tenancies, two Rajput *paṭṭī*s, A and B, each had a number of shareholding tenancies in the form of allotments intermingled with the proprietors' allotments. See Map 4.4.

#### Mu'āfidārs

- 11 [.120.]/(98.) An Awan of L-177, *mu'āfidār* in several other villages
- 12 [.121.]/(97.) A Saiyid of L-41, also *mu'āfidār* in several other villages
- 13 [.122.]/(99.) A Gujar proprietor, [56.]/(90.), for the upkeep of the village mosque

Map 4.3 L-183: village subdivisions, 1882.

For future reference the field map of the first Rajput *paṭṭī* is also given here. The proprietors made up the senior branches of the family and in 1853 were divided into eight holdings, as shown beside the field map. There were  $22\frac{1}{4}$  "ploughs" in the *paṭṭī*, of which the proprietors held 13 and tenants held  $9\frac{1}{4}$ . The shares of proprietors were determined not by inheritance but, in the words of the 1882 village history, "according to capabilities" (*hasb-i istatā'at*). The allotment pattern within this *paṭṭī* is the most regular in the whole sample, notwithstanding the fact that some of the shareholders were tenants. Four points may be noted about the allotment pattern.

Firstly, where the *paṭṭī*'s land lay next to the village boundary either the strips lay at right angles to the boundary or the strip alongside the boundary was subdivided transversely on the proper shares. Every shareholder had his fair share of a village boundary.

Secondly, the field lying immediately to the south of the village site was irrigated from a well. The allotments in this field were therefore laid out not in long strips but in more minute plots so that every shareholder had equal access to the well. The well in question was of masonry, lying on land belonging to (13.) and (7.). Shares in the well were, however, held by all the shareholders of the *paṭṭī*, tenants as well as proprietors, in the same proportions as for the land. This is important since it implies that a cultivating coparcenary was not just a convenient way to distribute a

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Gujar *paṭṭīs* (not shown on the map), and some new cultivation by tenants on common land. Of 1853 tenancies in the first Rajput *paṭṭī*, two had lapsed by 1882, (.31) and (.34), both of  $\frac{5}{8}$  "plough". (.34) had been a tenancy at will cultivated by (.31) after its original occupant had become *mafiūr*. These lapsed tenancies were held in 1882 by proprietors, still within the common holding of the *paṭṭī*, as [.16] and [.17]-[.19] respectively; their plots lay next to each other in every major field except one, sometimes forming a strip partitioned transversely, sometimes longitudinally. It is not therefore a problem to reconstruct the pattern of 1853 holdings on the 1882 map for this particular *paṭṭī*. For other *paṭṭīs* and other villages the reconstruction of lapsed tenancies is not so easy.



heavy revenue demand but might undertake other cooperative ventures which required capital outlay. A masonry well in L-176 was said in 1842 to be sunk for an outlay of 200 Rupees, or about half the annual revenue demand from one of the Rajput *pattī*s in L-183.<sup>30</sup>

Thirdly, the strips of proprietary holdings were intermingled with those of tenancies, and the order of strips varied from field to field. Although tenancies were generally smaller than proprietary holdings there is nothing in the allotment pattern to distinguish their relative status. This

<sup>30</sup> The annual revenue demand from L-183 as a whole, for the term of the 1853 Settlement and excluding cesses, was 2,100 rupees.

The structure of a well was distinguished in property law from the land on which the well was sunk, a distinction which applied to buildings generally. Shares in wells were first registered at the 1882 Settlement, when the shares of tenancies were no longer recorded. I did not take details of the shares in this first Rajput *pattī*'s well, but only for the corresponding well in the second *pattī* which lay on common land in [49]. With three exceptions the 1882 shares in this well were identical to the 1853 shares in the land.

The three exceptions related to lapsed tenancies: (.6) of  $\frac{3}{4}$  "plough"; half of (.10)'s one "plough" (the other half being retained as [.45]); and the  $\frac{1}{2}$  "plough" tenancy at will (.14), which in 1853 was cultivated by (.10)<sup>o</sup> after its original occupancy tenant, a brother of (.5), had died. Judging from the areas of holdings (without being able to compare the 1853 and 1882 field maps) either (.14) or half of (.10) was occupied in 1882 by a proprietor of the *pattī* as [.35]; (.5) had in some way picked up the equivalent of  $\frac{3}{4}$  "plough"; and the remaining  $\frac{1}{2}$  "plough" had apparently been distributed amongst the proprietors' own home farms. Otherwise 1882 shares in land, deduced from the absolute areas of holdings, coincided with the 1853 shares. 1882 shares in the well, however, included a  $\frac{1}{2}$  share with [.35] — correctly — but (.5)'s share was only  $1\frac{3}{4}$  instead of 2 ( $1\frac{1}{4}$  plus  $\frac{3}{4}$ ), whereas the proprietors' joint share had increased by  $\frac{3}{4}$  instead of by  $\frac{1}{2}$  (to become  $10\frac{3}{4}$  out of  $18\frac{3}{4}$  instead of  $10\frac{1}{2}$ ).

This juggling with figures is unsatisfactory but is partly ordained by the form of the records, since shares were no longer recorded for tenancies after 1853. The fact remains that in 1882 the tenancies (.8), (.9), half of (.10), (.11) and (.13) had the same shares in the *pattī*'s well as had been recorded for them in the land by Gokul Kumar at the beginning of the 1853 Settlement. The assertion, I believe, is therefore justified that the shareholders of these Rajput *pattī*s, who included tenants, originally had the same shares in the two wells as in the land.



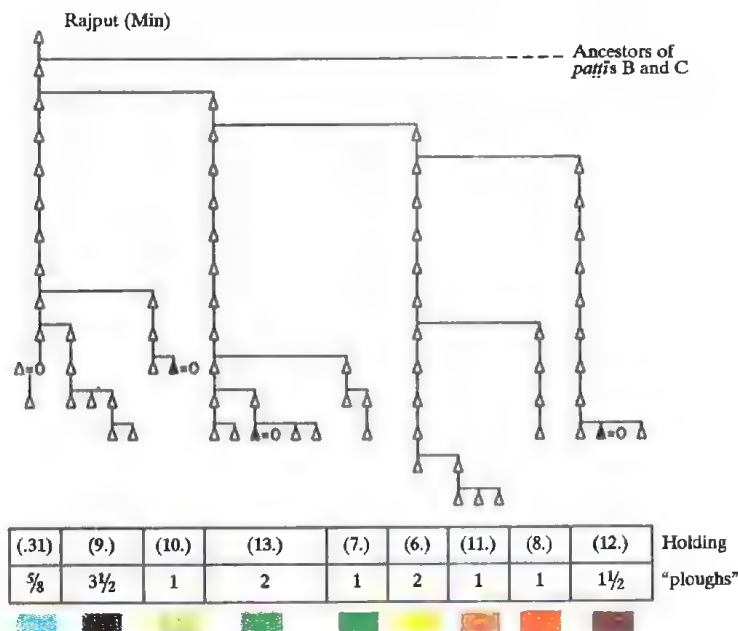
Map 4.4 L-183: shareholders' allotments in Patti-A, 1853.

#### Key to Map 4.4

Patti-A =  $\frac{1}{5}$  of village, with  $22\frac{1}{4}$  "ploughs".

13 "ploughs" were held by proprietors individually (see genealogy);

$9\frac{1}{4}$  were held by tenants from all the proprietors of the patti jointly.



#### Tenants

- (.28)  $1\frac{1}{2}$  "ploughs" — Rajput (Manj)
- (.27)  $\frac{1}{2}$  .. — Rajput (Baruwe)
- (.26)  $1\frac{3}{4}$  .. — Arain
- (.30) 1 .. — Rajput (Bhunsi)
- (.24) 1 .. — .., brother of (.30)
- (.31)  $\frac{5}{8}$  .. — Rajput (Bhunsi) — see genealogy
- (.34)  $\frac{3}{8}$  .. — cultivated by (.31) as a tenant-at-will
- (.25)  $\frac{3}{4}$  .. — Rajput (Bhunsi)
- (.32)  $1\frac{1}{2}$  .. — .., brother of (.25)

At the time of Gokul Kumar's preliminary registration (.34) was held by a Rajput (Rajpal) but by 1853 he had left (*mafrūr*) and the holding was cultivated by (.31) as tenant-at-will. By 1882 both (.31) and (.34) had reverted to the proprietors. (.25) and (.32) were initially joint, shared with a third brother, but by 1853 he had died, his son "lived in Ludhiana" and the holding was divided. In 1882 it was again joint, (.25) having meanwhile died issueless. The holding is here shown joint. (.28), (.30), (.24), (.25), and (.32) were all said to have been cultivating in the village for 80 years before 1853, (.26) for 40, (.31) for 20, and (.27) for 15 years.



makes the *pattī*'s common proprietary holding, within which the tenancies were registered, appear artificial, unrelated to distinctions in the land. To talk of tenancies on "commons" in such a case is inappropriate. There is the further implication that these shareholding tenants must have participated either in the initial allotment within the *pattī* or in a subsequent full reallotment; they could not have been given land at different times whenever and wherever it had become available. Yet different durations were recorded for the tenancies at the 1853 Settlement: five were of 80 years' standing, one of 40, one of 20 and one of 15. These durations may well be false; but false or not they are irrelevant set against the equality of tenants and proprietors as participants in the allotment. And if the tenants did date their arrivals in the village from different times then the allotment which existed in 1853 must have been made after most of them had settled in the village: that is to say, the allotment must have been a reallotment.

The fourth point to note concerns the order of strips. For instance, the strips of (7.), (13.) and (10.) always lay next to each other, as did those of (.24) and (.30); (6.) and (11.); perhaps even (6.), (11.), (8.) and (12.); and so on.<sup>31</sup> In some cases, as with (.24) and (.30) who were brothers, this surely signifies that the holdings had once been joint, had been inherited and had since been partitioned. In other cases, as with (10.), (13.) and (7.), the three holdings may indeed have once been joint, but as a unit of allotment or a unit of cultivation, not as a family unit which subsequently became divided through inheritance. Conversely, where two brothers had sets of strips which never lay next to each other, the inference may be drawn that their holdings had never been joint; and therefore a limit is put on when the allotment could have taken place. In the present case this logic does not apply because (6.)'s strips always lay adjacent

<sup>31</sup> Only a portion of the field map can be given at this detail, but the regularities apply to the other major fields too.

to those of his brother's sons (11.), although their shares were unequal.<sup>32</sup>

The field-pattern of L-183 is so regular that it might be thought no other village could match it. This is not the case. There were villages in which the tenure was different but the field-pattern was similar: for instance the landlord *paṭṭī* of L-158, where 80% of the cultivation was in the hands of tenants, and L-59 where there were virtually no shareholding tenants. There were villages which had been colonized in a different way but which had similarly regular field-patterns, for instance L-55, colonized all at once, or L-184, colonized gradually.<sup>33</sup> An exception is rather the field-pattern of L-181, which is regular in a different way and will be considered presently.

#### 4.2.2.3 L-181: satellite shareholders

There was said to have been a partition of L-180 and L-181 when the two villages were still joint, some time after *Sambat* 1840 (1783 A.D.), into four quarters each of 18

<sup>32</sup> The question should still be posed whether the allotment in the *paṭṭī* ante-dated or post-dated partition between (6.) and (11.). Since the shares of (6.) and (11.) were different (2 and 1 "ploughs" respectively) it seems unlikely that they were derived through inheritance. At the time of the Household Census in 1851 (11.)'s father had been recorded as the head of household no. 96, containing 2 men, 1 woman, 2 boys and 1 girl. The two boys were likely to have been (11.)'s younger brothers, implying that (11.)<sup>a</sup> had not yet had children of his own. This would put (11.)'s age at, say, 15-20, and his father's age perhaps at 40. (11.)'s father had also been registered by Gokul Kumar in 1850, and a subsequent note added that he had died and been succeeded by his three sons. At the same time (6.)'s household (no. 46) contained 3 men, 3 women, 1 boy and 1 girl, and the oldest of his four sons also had a household in the same compound (no. 47) of composition (1-1-1-1). By 1882 the sons had inherited the holding and partitioned it into [10.] — containing the two oldest — [11.] and [12.]. (6.)'s age may have been around 50 at the time of the Census. On these suppositions the allotment in the *paṭṭī* is unlikely to have taken place more than, say, 20 years before 1851.

<sup>33</sup> The field maps of L-158 and L-184 are reproduced facing pages 301 and 176 respectively.





#### Key to Map 4.5

- *Paṭṭī*-A ( $\frac{1}{3}$  of village) 18 "ploughs"
- *Paṭṭī*-B ( $\frac{1}{3}$  of village) 18 "ploughs"
- *Paṭṭī*-C ( $\frac{1}{3}$  of village) 18 "ploughs"
- Occupancy tenants on village commons — 3 "ploughs"
- Tenants-at-will on village commons
- *Mu'āfīdārs*
- Uncultivated commons
- Streams and ponds

#### *Mu'āfīdārs*

- 1 [54-5.]/(30.) A Bharai family
- 2 [56.]/(31.) A Chishti Faqir, daughter's son of original grantee and brother of a Rajput proprietor in L-65
- 3 [57-9.]/(29.) A Madari Faqir family

Occupancy tenants: A Dogar family

#### Tenants-at-will

In 1882 there were two tenancies on the village commons, on (6=11) *bīghas*. In 1853 there had been five tenancies-at-will on the commons, on (20=19) *bīghas*. The 1882 tenants were not connected with those of 1853. There is no way of knowing where the 1853 tenancies lay without consulting the 1853 field map.

Map 4.5 L-181: village subdivisions, 1882.

“ploughs”. One of these quarters split off in about 1838 to form L-180, after which (according to the 1882 history of L-181) “the owners of the remaining three *paṭṭī*s adjusted the [resulting] imbalances amongst themselves” (*bāqī har si paṭṭī ke mālik ne kamī-beshī bāhamī pūrī kar lī*). The field-pattern existing in 1853 (shown opposite) supports this version of events, in that each block of land seems to contain four equal bands of strips rather than three: the basic allotment seems to have been made to four groups equally; then after one group split off to found L-180, its band of strips in each block of the area remaining to L-181 would have been allocated to one of the remaining groups in turn.<sup>34</sup> In other words there was no full reallocation of land after the formation of L-180 but only a readjustment among the three groups or quarters which remained. The basic lay-out pre-dates 1838. This may account for a certain lack of correspondence between the composition of shareholding groups as *paṭṭī*s and the overall pattern of fields. The point to note is the narrowness of each *paṭṭī*'s bands of allotments.

The major blocks of land allotted to each of the Rajput *paṭṭī*s of L-183 were sufficiently large to allow every shareholder in a *paṭṭī* a strip or more in each block. The same principle applied in L-59 even if some fields were too small for every shareholder to have been allotted a strip; in such a case two or three fields together formed a unit for the purposes of internal allotment. In L-181 it is clear from the field map that the principle of equal valuation applied to the allotment of land to *paṭṭī*s. But inside each *paṭṭī*, although the areas of holdings corresponded exactly with their shares, holdings were distributed irregularly between the different bands of the *paṭṭī*'s land. The bands were too narrow. Nor

<sup>34</sup> Thus the area to the north of the stream (the Buddha Nala) seems to have been divided into three blocks of four bands of strips each. In the western block, the fourth quarter's band went to *paṭṭī*-B, doubling the width of that *paṭṭī*'s band, in the central block to *paṭṭī*-C similarly, and in the eastern block to *paṭṭī*-A giving that *paṭṭī* two bands in the block instead of one. I dare say that a similar reconstruction can be attempted for the other blocks of cultivation, allowing for some further adjustments.



did two or three bands together form a regular set of allotments as in L-59.

What seems to have happened is that the initial allotment was made to one family in each *paṭṭī*, of more land than it could itself manage. 18 "ploughs" presupposed eight or more units of cultivation.<sup>35</sup> Each family then brought in others, some to form secondary shareholding groups centred on an individual or on two or three individuals together, some as new shareholders of the whole *paṭṭī* or of the whole village.<sup>36</sup> In 1853 some of these newcomers were awarded proprietary rights, some not. Because of the piecemeal character of incorporation the regularity of internal allotment could not be maintained. The process of colonization had not gone far enough by 1853, when holdings were fixed, for a general reallocation of the whole village to have been made along the lines of L-183.

This explanation changes the problem of the field-pattern into a question of the composition of each *paṭṭī*, which is the subject of the following section. Two general points about L-181 may however be made first.

The first point is that there is still an unresolved question why a family should have committed itself to 18 "ploughs" of cultivation — surely not related to its own capabilities — and 18 "ploughs" of revenue liability before it had mustered the necessary quorum of shareholders. Part of the answer may relate to economic conditions in the neighbourhood during the 1830s and 1840s when the town of Ludhiana was

<sup>35</sup> See Sections 8.1 and 8.2 for the average size of a holding in "ploughs" and for the average size of a "plough" of land in the locality in 1853.

<sup>36</sup> Thus, apart from the 54 "ploughs" of the three *paṭṭīs*, 3 "ploughs" were registered in the final records of the 1853 Settlement within the common holding of the village, under the occupation of a family of Dogars as hereditary tenants. The tenancy was said in 1852 to have been in existence for only 5-6 years. On the field map this unit of 3 "ploughs" is coloured purple. It illustrates how land could be allotted to a new shareholding unit without disturbing the overall allotment-pattern. Some plots were taken from the commons, some from each *paṭṭī*'s bands of allotments. In 1853 the absolute area in *bīghās* of the Dogars' 3 "ploughs" was (90=19), giving an average of (30=6) *bīghās* per "plough", marginally more than the (29=12) *bīghās* per "plough" prevailing in the rest of the village.

expanding rapidly. One member of the main landholding family in the second *paṭṭī* of L-181 had settled in L-158 before 1842: a tenant at will in 1842, his brother and an only son were registered as proprietors in 1853, (17.). There may have been others like him who were not mentioned at the 1853 or 1882 Settlements. On the other hand, the principal families of L-181 may have been able to rely on a plentiful supply of agricultural labour, until they were forced to pay revenue in cash and, as a result, forced to allocate definite shares to cultivators, bringing them within the shareholding system. As long as a cultivator, with plough-oxen of his own but partnering someone with land, only took a share of what they jointly produced without contributing to the joint expenses he could not be considered a member of an official coparcenary. But as soon as he contributed the same share of revenue, even if he remained cultivating in partnership with the proprietor, he had to be acknowledged as a shareholder. In the relations existing in 1853 between the principal landholding families and those I have dubbed satellite shareholders we may be viewing exactly the way landless farmers became incorporated into shareholding communities. This does not mean that the relation should be thought of in terms of landlords and tenants. At the end of Chapter 5 it will be shown that the idiom of shares extended to cultivating partnerships, but that because these cultivating partnerships were not hypothecated on the physical possession of land so much as on the use of plough-oxen, they were not amenable to registration within the official grid of classification. One has to view the synchronic picture of what was recorded in 1853, in a diachronic framework.

The second point is that a very similar field-pattern obtained in L-60 which was the only village in the locality whose shareholding system had broken down by 1853, possibly as a result of the sudden large increase in revenue demanded in about 1843, of which mention was made in Chapter 2.<sup>37</sup> There were six *paṭṭīs* in L-60, more or less

<sup>37</sup> Page 60 above.

equal, each containing one or two principal families. The allotment of land to *paṭṭīs* was completely regular, with an unofficial primary division into two groups of three *paṭṭīs* each. At the time of Gokul Kumar's preliminary registration two *paṭṭīs* had ceased to be measured in "ploughs": the revenue and village expenses (*mu'āmila-malba*) were distributed over "ploughs" in four *paṭṭīs* and on *bīghās* in the other two. The number of "ploughs" in each *paṭṭī* varied from  $11\frac{3}{4}$  to 18 but in any case, as in L-181, represented more than what could be cultivated by the principal families in those *paṭṭīs* alone (estimated by the number of adult males existing in 1853 or in the previous generation). In other words, as in L-181, the original allotment seems to have been made before full quora of shareholders had been gathered; thus to have taken for granted the existence of sufficient labour to be able to cultivate the whole area and cover the liability undertaken; and therefore to have contained implicitly an element of inequality alongside the equality of the overall allotment. Apart from the eleven principal families all the other cultivators were registered by Gokul Kumar as occupancy tenants or tenants at will. There was almost no order to the pattern of individual allotments, even compared with L-181.<sup>38</sup> Yet by the end of the 1853 Settlement every one of these cultivators had been accorded proprietary status. In L-60 almost all the cultivators were Muslim Jats. The contrast with L-181, where the principal families were Rajputs and the manner of piecemeal incorporation was faithfully represented in the differentiation of landholding status, is striking. The contrast of L-181 with L-184, another village whose colonization had been progressive but where the process had been sealed by a regular reallocation of holdings to all colonists, will be made in the next section.

<sup>38</sup> The absolute area of a "plough" in the first *paṭṭī* varied from (9=13) to (21=4) *bīghās*.

#### 4.2.3 The composition of cultivating communities

The contrast between the field-patterns of L-181 and L-183 raises a theoretical question about the formation of subdivisions in a village during a period of general colonization. The perfect regularity of the field-pattern of L-183 suggests that it was the result of a deliberate act of reallocation among groups of cultivators who were already farming in the village. The field-pattern of L-181, on the other hand, suggests that an initial regular allotment to three principal families was followed by the piecemeal induction of new cultivators into the village by individual members of the original families, without a general reallocation of holdings. The question is whether different methods of incorporation, or different models of tenure, operated in the two villages while new cultivators were being brought in, or whether it was the same model which became arrested at different stages of its growth by the Settlement of 1853. This calls for a general look at the third corner of the triangle of land tenure, the relations between the various families which made up a cultivating community.

At the first Settlement of Ludhiana district in 1853, proprietorship was determined on the basis of social relations between cultivators rather than on the basis of a field-pattern. Although the 1882 Genealogies concerned only proprietors and were drawn retrospectively, it is still possible to read something from the Genealogies about different forms of colonization of a village and different forms of tenure between the first foundation of a village and the formal allotment of land to groups of shareholders. Most of the cultivation around Ludhiana in 1853 was in the hands of proprietors not tenants,<sup>39</sup> and most field-patterns were like that of L-183 rather than L-181. It may be more appealing to investigate the formation of subdivisions in a

<sup>39</sup> In the 20-village core-sample in 1853 82.2% of cultivation was by proprietors, 10.8% by shareholding tenants like those in L-183 and L-181, 3.6% by non-shareholding tenants on isolated plots on common land, and the remaining 3.4% in a variety of arrangements under individual proprietors. These figures are analyzed in Chapter 5.



village like L-183, where the contrast is so striking between the equality inherent in the pattern of strips and the inequality in official landholding status between the different strip-holders. But tenants had no official history. It was only for proprietors that the process of colonization was sometimes made explicit.

The main source of information about relations between families of proprietors are the genealogies prepared at the 1882 Settlement. At the 1853 Settlement, although the idea of descent from the founders of a village had informed the award of proprietorship, actual genealogies had not been prepared.<sup>40</sup> Compatibility of information, between the 1882

<sup>40</sup> The *Directions for Settlement Officers* of 1844 (N.W.P. 1844:para.167) had recommended that genealogies be prepared only if proprietors wanted it. The published specimen Settlement papers of 1847 (N.W.P. 1847a & b) gave examples of genealogies, which in form and specificity differed from those later prescribed for the Panjab although their function as charters of rights was essentially the same. Among 1853 Settlement papers the only genealogy I came across was that of the *jāgirdārs* of L-73, who were also proprietors there, in the *taḥsildār's* 1850 assessment report. Among earlier papers only those of the 1848 Settlement of L-79, 81 and 188 contained genealogies, which were restricted to the headmen. The first extensive use of genealogies at a Settlement in the Panjab, to represent the constitution of a village community, was by E.A. Prinsep for Sialkot district in the mid-1850s (Prinsep 1865:Appendix 22; also Douie 1899:para. 273). The specimen Settlement papers which were published in 1866 when Prinsep was Settlement Commissioner of Amritsar Division contained nine different examples of genealogies, to cover all varieties of land-tenure (Gopal Das 1869).

The principle that proprietary rights derived by descent from founding ancestors was assumed at the 1853 Settlement, even if actual genealogies were not prepared. In his assessment reports filed in 1850 the *taḥsildār* described such devolution in words: 'S was the founder, and he paid the revenue for P years and was succeeded by his Q-relative R, who in turn...' Although useful for the time-scale, these details were variable: sometimes (e.g. L-60) concerning only the principal revenue-payers (*ṣadr mālguzār*, i.e. headmen) who succeeded each other singly; sometimes (e.g. L-59) concerning a fuller spread of descendants and cosharers; and sometimes (e.g. L-183) not going into details at all, merely reporting the proprietors' claim that the village had been founded by their forefathers ('*lambardārān wa zamīndārān-i ḥāl muḥhir haiṅ ki dīh hāzā ābād kiyā hu'ā buzurgān hamāre kā hai*'). Similarly Gokul Kumar's reports, which emphasized fiscal

genealogies and the bare identities of proprietors recorded in 1853, is not a major problem, however, since the 1882 records were intended to substantiate and bring up to date those of 1853.<sup>41</sup> On the other hand, to represent a village's history in the form of a genealogy of its proprietors does lend a certain slant to social relations. The form of the genealogies will now briefly be considered.

#### 4.2.3.1 The genealogy as a medium of representation

Genealogies were first prepared in Ludhiana district at the second, revised Settlement of 1882, for the proprietors of each village. Genealogies were not prepared for occupancy tenants although they too enjoyed inheritable rights.<sup>42</sup> Existing proprietors were grouped firstly into what I have called families, as patrilineal descendants of a set of village founders, and secondly into *pattīs* and *ṭholas*. Underneath all the genealogies of a village was a general history of the village's tenure, which invariably stated: (1) how the village had been founded; (2) how and when the village had been divided up amongst the various individuals, families or subdivisions; (3) how much land was still held by the whole

history and were filed in 1851, began with a statement concerning when and by whom the village had been founded. By the time fields were measured proprietorship had largely been decided. A field-surveyor might report to his superintendent that a field was occupied by someone not on the preliminary registers but the registers he used were those prepared by Gokul Kumar who had not been concerned with the field composition of holdings. Landholding status was decided not, as it were, upwards from the land but outwards, on social considerations, from the headmen.

<sup>41</sup> Every cultivator was identified in the 1853 records by the name of his father, his caste (*qaum*), clan (*got*) and religion.

<sup>42</sup> Occasionally the genealogy of an occupancy tenant was given in a Mutation Register to document a case of inheritance. Land passed laterally to agnates less often among occupancy tenants than among proprietors, since the right of succession extended to an issueless person's agnates only if a common ancestor had once been in possession, which for tenants could not readily be established before 1853; and in all other transfers of an occupancy tenant's rights the owner had a prior right of reversion.

village in common; and (4) what the official designation of the village's tenure was. If a village had not been divided up regularly on shares then the account was put in terms of how much land each founder or group of founders had taken possession of. For each separate subdivision there was a brief account of how the land had been occupied or shares been allocated internally, and whether subsequent devolution had been regular (*jaddī*, "ancestral") or irregular (*rasmī*, "customary").<sup>43</sup> The initial allocation of shares was also marked on the genealogies and their devolution was traced downwards to the existing proprietors. Against each proprietary unit was written its present share (in 1882) together with the numbers of all *khewāṭs* (proprietary holdings) in which it had an interest, the areas of those *khewāṭs* and the amount of revenue for which the proprietary unit was liable. Finally, the genealogy of any family given land after the village had been founded was drawn next to the person, family or subdivision from which it had acquired the land, and alongside the genealogy were recorded details of the transaction; in particular, it was stated whether the transaction had included a share in the estate or whether the new owners were simply *mālikān qabḷa*. Thus 'founding' or ancestral families were distinguished from those which had been given land later, but the title of every proprietor in the village was in some way validated by reference to the village founders. In one genealogical table was charted the tenure of all the land in a village, with its history, the social composition of the proprietors and the village's constitution. By virtue of each family's identity in terms of caste and clan a genealogical

table also tied a village into a wider historical and social framework.

There are several aspects of the genealogies which may be questioned quite apart from their factual content: their partiality to proprietors, their patrilineality, the synthetic quality of their history. But the central problem is that, as a medium, the genealogy had three distinct functions which were not necessarily compatible with each other. The first function was to validate proprietary title by reference to a set of putative founders; the second, to explain the exact way in which the land was held in divided or common interest, for every kind of village; and the third, to act as a continually updated record of the devolution of property. Past, present and future could not usually be represented coherently in a single form.

The incompatibility of these three different functions of a genealogy is most apparent for villages which had been founded more than a generation or two before 1853 but in which shares had been allocated more recently. As a continually updated record of inheritance the genealogy was no doubt useful. For non-cultivating landlords, the genealogy might also be appropriate. But for the majority of villages, including those of recent foundation which involved more than one family, shares had been allocated on a different principle from that of inheritance. The portion of a genealogy between a founding ancestor and those of his descendants who had been allocated shares therefore only validated the descendants' right to proprietorship, not the exact measure of their rights. Moreover, since the principle on which shares had been allocated was invariably described in the historical accounts by the formula "according to capabilities" (*hasb-i istāṭā'at*) or something similar, why then exclude from account those who had been allocated shares on the same principle but who had not been awarded proprietary rights? Somewhere the genealogy as a mapping between people and land was distorted.

<sup>43</sup> *Jaddī* indicated adherence to fixed rules of inheritance; *rasmī* meant any deviation from those rules, a residual category. Inheritance was strictly patrilineal, by equal division between a man's sons — elaborations of this rule formed the stuff of Customary Law. Very occasionally *jaddī* was specified more precisely, for instance in L-82: "*ba-mūjib ḥiṣāṣ jaddī wa shar'ī*". The terms *jaddī* and *rasmī* were surely translations into Urdu from the English; see Chapter 6 for further discussion of the value attached to "ancestral shares" within the official literature.



**4.2.3.2 The incorporation of sisters' sons**

Referring back to Table 4.2 on page 133 there were 276 families of shareholding proprietors in the twenty villages of the core sample in 1853, of which 232 were so-called 'founding' families, descended agnatically from people who were labelled village founders on the 1882 Genealogies. Of the remaining 44 families, one was descended from a 'founder' through his daughter since he had no sons, and 27 were connected with a founding family affinally through marriage. The other 16 families were not connected with founding families by kinship or marriage explicitly, although several were said to have been given land because they were in some way "related" (*rishtadār*). The classification of families as 'founding', 'affinal' and 'other' is too coarse for a detailed analysis of the gradual colonization of villages, since many of the so-called village founders were admittedly given land by other founders. The label of 'founder' was often just a gloss on families which had been awarded proprietary rights at the 1853 Settlement.<sup>44</sup> It also goes without saying that different 'founding' families might have been connected to each other affinally without this having affected either their landholding status in the village or the devolution of shares; and therefore without the connection being recorded on the Genealogies. But this said, the majority of proprietors in 1853 who were not connected agnatically to village 'founders' were connected to 'founding' families as affines, mostly as the sister's sons of an ancestral proprietor. Moreover, in villages where a number of cultivators had been brought in as partners or subsidiary shareholders before 1853, most notably in L-181, it was largely the 'affines' who were the proprietors amongst them. Thus,

<sup>44</sup> For instance, in L-60 most proprietors had been registered by Gokul Kumar as tenants, a distinction which accords with the lay-out of each subdivision's land in narrow strips, as if there had been just one major family in each subdivision at the time of allotment. But on the 1882 Genealogy of L-60, the ancestors of almost all proprietary families were described as founders of the village.

analysis of the cases of affines does give some indication of the dynamics of incorporation.

Of the 18 'other' families (Table 4.2), the only one to note at present is someone given  $\frac{2}{9}$ ths of a holding in L-183 "to help with the revenue".<sup>45</sup> "To help with the revenue" might well have been the reason for giving a share to an affine, but because the affinal connection was drawn no such reason needed to be recorded on the Genealogy. Incidentally the unusual fraction of  $\frac{2}{9}$  suggests that the relationship had originated as the kind of partnership of cultivation which will be discussed in the next chapter, Section 5.6. There had been no sales of land registered in the core sample of villages by 1853.

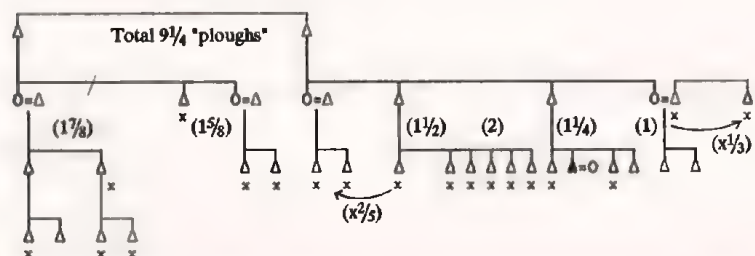
Two examples will illustrate the incorporation of affines rather better than an abstract Table. Amongst villages of the core sample there were three subdivisions composed of single 'founding' families together with two or more affines. The three subdivisions were L-66, as a whole, and *tholas-d* and *-e* of L-183. It is clear from the relative proportions of shares in each case that most of the affines had been included in the original allocation of shares; in other words, that the subdivisions had been colonized with the help of affines. The example of L-66 will be presented, since it provides as close a correlation as anywhere between the size of a holding in "ploughs" and the composition of the households which cultivated the holding. The second example will be L-181, whose field-map has already provided an alternative to the perfect allotment of L-183. Affines were not included in the original allocation of shares in L-181 but were incorporated subsequently, along with a number of unrelated cultivators. L-181 therefore illustrates both the gradual colonization of a village's territorial estate and the different treatment accorded affines at the 1853 Settlement. At the beginning of Section 4.2.3, I said that proprietorship was determined at the 1853 Settlement on the basis of social relations rather than on the basis of a field-pattern; investigations proceeded outwards from the

<sup>45</sup> L-183:(32).<sup>c</sup>

headmen rather than upwards from the lay-out of fields. Of course a field-pattern was itself an expression of social relations: in L-181's case, the narrowness of each *patti*'s allotments reflected the exclusiveness of its landowning family.

## L-66

Figure 4.1 L-66, composition of shareholding community, 1853



(1.)	(6.)	(5.)	(10.)	(7.)	(9.)	(2.)	(3.)	(8.)	(4.)	Proprietary holding
$\frac{1}{3} \times \frac{1}{8}$	$\frac{2}{3} \times \frac{1}{8}$	$\frac{1}{2} \times \frac{1}{8}$	$\frac{1}{2} \times \frac{1}{8}$	$\frac{2}{5} \times \frac{1}{2}$	$\frac{3}{5} \times \frac{1}{2}$	2	$1\frac{1}{4}$	$\frac{2}{3}$	$\frac{1}{3}$	"Ploughs"
3-2-1-1	6-5-3-2	5-4-1-1	2-2-1-2	2-2-1-4	3-3-3-2	5-5-7-3	5-3-3-2	3-2-0-1	1-1-3-1	Household composition
.31	.21	.16	.41	.30	.30	.40	.25	.22	.33	"Ploughs" per adult male

Note: Household composition shows the numbers of men, women, boys and girls. An x indicates a separate household. Thus, in addition to (6.)'s own household, two of his sons had separate households; and in the three households combined there were 6 men, 5 women, 3 boys and 2 girls.

The total number of "ploughs" in L-66 was  $9\frac{1}{4}$  and represented the sum of the "plough"-sizes of individual holdings rather than a convenient, rounded total, to be allocated to shareholders in simple proportions.  $9\frac{1}{4}$  does not divide into simple proportions. There were six units of allotment: (1.) together with (6.); (5.) together with (10.); (9.) together with (7.); (2.); (3.); and (8.) together with (4.). Each of these units had a different size of holding, measured in "ploughs". A unit's 'share' in the whole was simply the

number of its "ploughs" as a proportion of the sum total of "ploughs" in the village. It is not obvious what a complex fraction like  $\frac{1}{8}$  represented in terms of the resources a unit employed in cultivation, nor why the affine (7.) should have shared  $1\frac{1}{2}$  "ploughs" with (9.) in the ratio 2-to-3, rather than, say, 1-to-1. But the fineness of the calculation is not in dispute. One possibility is that the calculation of a share related to the number of men in a unit, approximately one quarter of a "plough" per man.<sup>46</sup> From the figures of the household census of the village, conducted at the end of 1850, the number of "ploughs" per adult male may be calculated, as shown below the genealogy. Apart from (5.), this varied from .21 to .41 "ploughs" per adult male, not a big variation considering that household compositions would probably not have been the same at the time each unit's holding was fixed.<sup>47</sup> Some such calculation must also have lain at the back of the 1-to-2 division between (1.) and (6.), which otherwise seems strange. Significantly (5.), the composition (5-4-1-1) of whose household indicated that his four sons were only recently married, also cultivated a small plot in L-60 as tenants.

L-66 thus illustrates two points: first, that it had been colonized with the help of affines;<sup>48</sup> second, that the size of

<sup>46</sup> One "plough" in the village was equivalent to (36=18) *bīghās*, and represented a 'full' (*pakkā*) "plough" of 4 plough-oxen.  $\frac{1}{4}$  "plough" meant one man and one ox. Since the size of holdings varied from 1 to 2 "ploughs", this would imply that a viable farming unit had to have at least four men and a full plough-team.

<sup>47</sup> L-66 had been held *mu'āf* by a Brahman of Nur Mahal in Jullundur district, at the start of British rule (see India Political Consultations, 31 December 1847, part 6, no. 1859, item 20). I did not examine the *taḥṣīldār*'s 1850 assessment report for this village, nor the papers of the Summary Settlement, either of which might have provided further information about any former allocation of shares. Gokul Kumar's registers have not survived.

<sup>48</sup> Rawats (the caste of the landowners of L-66) were not common in the locality, having been enumerated in only two other villages of the maximal sample in 1850/51: L-75, where 3 households shared an occupancy tenancy (.12); and L-81, where 5 households owned (3.), (11.) and (22.), and 3 other households each had a tenancy at will, (.57), (.59) and (.70) — (.59) was classified as a weaver in the landholding registers. In Ludhiana town, there



each holding related fairly closely to the resources of those who cultivated the holding — and that this was expressed in “ploughs”.<sup>49</sup>

One further, general point may be illustrated from L-66 about the incorporation of affines into agricultural coparcenaries. (8.)’s gift to (4.) was described on the 1882 Genealogy as a subsequent gift from (8.)’s mother to her husband’s younger brother (*dewar*), of  $\frac{1}{3}$  her original allocation. In general the incorporation of an affine involved the offspring of a sister rather than a wider set of her husband’s agnates. In only one case, out of 28, was a husband’s brother registered as the cosharer of a holding — and he later went *mafrūr*, so the subsequent devolution was to the sister’s offspring alone, as usual.<sup>50</sup> It was also a general feature of cases where affines had been incorporated into shareholding communities before the 1853 Settlement, first, that the woman endowed, the affinal link, did always have brothers: only one case out of 29 involved a man without sons (one of the ‘founders’ of L-60). Secondly, the sister’s husband had never been a landholder in his own

were 68 households of Rawats, of which only one was agricultural, with an occupancy tenancy (.361) in L-172 and a tenancy at will (.24) in L-168.

<sup>49</sup> It has not been possible to calculate the ratio of “ploughs” to plough-oxen for each landholding unit in L-66, because I did not make a note of the number of plough-oxen possessed by each ‘agricultural’ household. The total number of plough-oxen in the village was 66, averaging 3 per ‘agricultural’ household. By “resources” I here mean specifically the number of adult males.

<sup>50</sup> L-71:(13.), of 2 “ploughs”, was shared by four brothers (whose father was still alive in 1853, but blind), on  $1\frac{1}{2}$  “ploughs”, and their sister’s husband, together with his younger brother, on  $\frac{1}{2}$  a “plough”. The latter two had been registered by Gokul Kumar as occupancy tenants and had been made proprietors only in the course of the Settlement. There were two other cases in L-71 where occupancy tenants were made proprietors in the course of the 1853 Settlement, (24.) and (16.), and both these cases too involved affines. As in L-181, it looks as if the cultivators with affinal connections to ‘founding’ families were given special treatment.

The total number of ‘affinal’ families amongst proprietors in the core sample was 29 (see Table 4.1). The figure of 28 excludes the case of the daughter of a ‘founder’ in L-60.

right in the village (nor indeed in any of the other villages of the immediate neighbourhood). This said, incorporation was not into a lineage; a sister’s sons retained the clan-name of their father.<sup>51</sup> As the example of L-66 shows, incorporation was into a community of shareholders, an agricultural coparcenary; and the size of the share given to a sister’s sons was not calculated from abstract tables but, more likely than not, was equal to the share of each of the sister’s brothers.<sup>52</sup> The extent of land under its control was comparatively large for the ‘founding’ family of L-66. The 1882 Genealogy mentioned that an Arain had once claimed a quarter of the village.<sup>53</sup> If colonization of the village had not involved affines, other non-relatives would surely have had to be brought in instead. This is what had happened in L-181.

#### L-181

The genealogy of each of the three *patī*s is given on pages 168 and 169. In each *patī*, before the 1853 Settlement, the ‘founding’ family had given land to a number of outsiders, a few of whom were affines. Some of these outsiders were made proprietors at the 1853 Settlement, some were awarded only rights of tenancy. Some of the tenants were tenants of individual proprietors; some were tenants of several proprietors jointly. In *patī*-C it was the affines who were made proprietors, while the others remained tenants. In *patī*-A all those incorporated remained tenants except for one. In *patī*-B, where the ‘founding’ family had an undivided holding, some newcomers were proprietors and some were tenants, and the only distinguishing feature between the two was caste: the proprietors were Rajputs while the tenants were Arains. All three *patī*s have been shown because together they provide striking illustration of the variety of forms of incorporation. In *patī*-B the process

<sup>51</sup> Compare Hershman (1981:47).

<sup>52</sup> In 19 cases out of 28 the sister’s share was equal to the share of at least one of her brothers, if not to the share of each of them; and in a further three, including L-66:(1.) & (6.) above, the sister’s share was larger.

<sup>53</sup> See page 125 above.

In the junior branch, (22.) gave 1 "plough" to his MBS (21.), and (20.) gave 1 "plough" to (34). At the 1853 Settlement, the affines were awarded proprietary rights, the non-affines either hereditary rights of tenancy, (32) and (34), or non-hereditary rights of tenancy (30).

(15.)	(16.)	(18.)	(16.) + (18.)	(24.)	(17.)	(20.)	(22.)	(21.)	Proprietary holding Tenancy "Ploughs" Area (bighas)
			(.32)		(.30)		(.34)		
2½	2	2	1	1½	2	1	2	2	
			29-14		59-15	29-14	59-6	29-13	



of incorporating outsiders also continued after the 1853 Settlement, again both to affines and to non-relatives. Underneath the genealogies I have explained the course of incorporation for each *paṭṭī*. It only remains to pick up two general points arising from these notes.

In the previous Section 4.2.2 I said that the allotment of holdings was regular at the level of the three *paṭṭīs* but irregular within each *paṭṭī*. The land allotted to each *paṭṭī* formed bands which were too narrow to allow each shareholder a strip of cultivation in each band. Nevertheless, as the absolute areas underneath the genealogies show, the sizes of holdings were exact multiples or fractions of a standard (29=12) *bīghās* throughout the village, which was equivalent to one "plough"; and all landholders paid revenue at the same rate of incidence on this standard, whether they were tenants or proprietors, whether a measure of "plough" was in fact registered against their name in the Settlement records or not.<sup>54</sup> In this case, then, the pattern of fields did not represent the constitution of a *paṭṭī*, except as a general indication that there was inequality between the various shareholders (as opposed to the equality evident, say, in the field-pattern of L-183) or that the process of incorporation was incomplete, never having reached the stage of a full reallocation. The official genealogies prepared at the 1882 Settlement, of course, were not complete in any sense, for they represented only the proprietors, not the full coparcenary of a *paṭṭī*, with all its subsidiary or "satellite" shareholders. But if the official genealogies are filled out to include all subsidiary shareholders, then the revised version can sometimes provide a fuller picture of the dynamics of land management. It should be emphasized that, of all landholders in L-181 registered at the 1853 Settlement, the only ones not shown in Figure 4.2, are: (1) three families of *mu'āfidārs*; (2) tenancies of the village as a whole, which included the 3-"plough" holding of Dogars (coloured purple

<sup>54</sup> I did not take details of the area of every single holding, only of those involving tenancies.

on Map 4.5), as well as five small holdings of sharecroppers; and (3) a sharecropper within (9.).<sup>55</sup> Thus, virtually all the cultivation in L-181 was in terms of "ploughs" or fractions of "ploughs"; and the revenue and the common expenses of the village were distributed on every cultivator accordingly. Shareholding was a way of getting things done. With the inclusion of sharecroppers, all relationships were expressed in the idiom of shares, if not of "ploughs".

The second point is one about registration, and the difference between registering a transfer of 'property' and registering the incorporation of someone as a new member of a shareholding community. The point arises from the way that, in L-181, (11.) was registered at the 1853 Settlement under the guardianship of his father's sister's three sons, to whom he later gave one third of his rights. The standing of an affine was ambiguous: he both belonged to the family which gave him land, and he did not belong. As a new member of a shareholding community or agricultural cooperative he was no different from any other new member; but as a member of a property-owning family he had to be given a definite share of the property by means of a formal gift. For the endowing family, to bring in affines as shareholders was different from bringing in non-relatives, since there was inherent doubt over when the gift, if gift it was, should come into effect: before a father's death or afterwards, before a separate household had been established or afterwards. In the eyes of the registering authorities, however, there was an added difference between affines and non-relatives, because registration itself conferred rights, which might interfere with subsequent transactions. This double ambiguity is reflected in the official record. The affines considered so far in this section have been people who were registered as proprietors at the 1853 Settlement, whom we know about mainly because the affinal connection was drawn on the official 1882

<sup>55</sup> In *paṭṭī*-B, half of (10.) was registered as a tenancy in the possession of (9.), for some reason. (10.)'s gift to his mother's brother's son (not a resident of the village in 1853) was made subsequently.



genealogies. But there were other affines who in 1853 were clearly living in the same compound as their future benefactors but who were not registered as landholders in any official capacity whatsoever. There was one case in the core sample where an affine was registered as the tenant at will of his mother's brother (L-60:(.16)); and this seems not to have prejudiced his later endowment with a piece of the property (as [160-1.] in 1882). But more common were cases where the affines, if they were not already registered as proprietors, were not registered as landholders at all, not even as tenants.<sup>56</sup> In one case, L-186:(26.), a sister's son was initially registered by Gokul Kumar as the occupancy tenant of his mother's brother, but a subsequent note added the tenancy to the owner's home farm (*khudkāsh*); and the sister's son did not surface in the registers again until the 1882 Settlement, when it was noted on the Genealogy that he had been given half of (26.)'s rights six years previously.<sup>57</sup> Since shares now represented property, and shareholding groups were now property-owning coparcenaries, registration had to exclude potential heirs. In this manner the situation of affines, who were either proprietors or nothing, was similar to that of sons, who were never registered so long as their father was alive. In studying how the official grid of classification was applied at the 1853 Settlement, we have to look not just at the margins, for people left out as unimportant, but also at the interstices of the grid itself, for people who were intentionally omitted from the record. This is not, however, an epitaph on all research into the land records, for the genealogies of Figure 4.2 illustrate well the transition between one way of looking at relationships to the land, the community and the state, and another way. Rather we would say that the registration

<sup>56</sup> Examples of those not registered in the 1853 land records are: L-55:(10.)/[6.] and [7.]; L-71:(3.)/[60.] and (4.)/[62.]; and L-186:(26.)/[87.]. See page 207.

<sup>57</sup> By 1882, (26.) had died issueless and the other half of his rights had reverted to his agnates. My copy of the note on Gokul Kumar's register goes: "He is sister's son of X [the owner] and therefore the land has been added to X's land." I did not copy the original wording of the note.

of shares as property rang the death-knell of shareholding in agriculture, the epitaph on which was the official Genealogy of Proprietors of the second, revised Settlements of the 1870s and 1880s.

#### 4.2.3.3 Serial colonization and reallocation

At the beginning of Section 4.2.3 the question was raised whether the field patterns of L-181 and L-183 represented different models of tenure or different stages of development of the same model. The Rajput *pattīs* of L-183 were owned in severalty by members of a single 'family', the patrilineal descendants of the supposed 'founder' of the village, much like each *pattī* in L-181. However in both villages a substantial proportion of the cultivation was in the hands of others, of whom those in L-183 were classified as tenants, while a few of those in L-181, notably the affines, were classified as proprietors. All were in some sense shareholders, whose land was measured in shares and whose contributions to communal charges were reckoned accordingly. But whereas in L-183 the allotment of land to shareholders was perfectly regular, in L-181 it was not. In L-183, every shareholder, whether tenant or proprietor, had a strip of cultivation in every allotment of the *pattī* to which he belonged. We do not know the exact history of colonization of the Rajput *pattīs* of L-183, since tenants had no official history and little can be read from either the layout of their individual holdings, which were intermixed randomly with the holdings of proprietors, or from the genealogies, since the tenants were common to whole *pattīs* rather than to individual proprietors. But the regularity of the field-pattern suggests a formal act of reallocation at a stage long after all the tenants had arrived in the village. In L-181, by contrast, the regularity of the allotment to *pattīs* had not been maintained in the allotment to shareholders within a *pattī*. Each *pattī*'s allotments consisted of numerous narrow bands of cultivation, none wide enough to contain a strip for every shareholder. Here, the serial colonization of



L-181 may still be read from the field-map in combination with a suitably revised genealogy, since the process of colonization had not been sealed by a complete reallotment of all holdings. It can be deduced that the allotments had been laid out when there were only two or three shareholding units to each *patṭī*, but that subsequently, as a result both of partition and of accretion, it had not been possible for each new unit to have a strip in every band of cultivation. There was still an element of hierarchy implicit in the field pattern, between primary shareholders of a *patṭī* and secondary shareholders of the primary units. The question to be addressed in the present section is whether further lapse of time would have seen a complete reallotment of holdings on the model of L-183: whether the secondary shareholders would have ever left the orbit of their individual hosts to be known just as shareholders in the territorial estate of a *patṭī* or the village as a whole.

There is one village of the core sample, L-184, where colonization was admitted to have been both gradual and progressive, but where it had finally been sealed by a formal allotment of land on shares. The example of L-184 thus provides a theoretical bridge between L-181, on the one hand, and L-183, on the other. Although the colonists of L-184 belonged to two different castes and to a number of different families within each caste, unlike the proprietors of L-181, the colonization of L-184 does show that serial incorporation could be completed by a formal allotment of land and allocation of shares.

According to the account recorded on the 1882 Genealogy of Proprietors, L-184 had been founded by a Gujar, whom for convenience I shall call B, some five generations before 1882. B had brought in D, E and F, also Gujar; and F had brought in H, J and K "because they were of the same caste (*ham-qaumī*)", as well as the carpenter L and the Faqir M "because of friendship (*rafāqat*)". For some time these nine families had cultivated whatever they could, without a formal allotment of land. However these first colonists had then "noticed that the land was extensive", which probably means that more revenue was demanded from them than they

could themselves sustain. They had therefore given half the rights of the village to three Jats, P, Q and R.<sup>58</sup> Then, "within the space of two to four years", P, Q and R had brought in another sixteen Jats, among whom were S, T and U who had later brought in V, W, X, Y and Z, also all Jats. There had then been a partition of the whole village into two equal *patṭīs*, named after the dominant castes in each, and each *patṭī* had been subdivided into three equal *tholas*. Thus, in 1853, B's descendants had one *thola* in the Gujar *patṭī*, *thola-a*; D's and E's descendants had *thola-b*;<sup>59</sup> F's descendants, together with the descendants of H to M, had *thola-c*. In the Jat *patṭī* the descendants of P, Q and S to Z shared one *thola*; those of R and of three others a second; while the last *thola* was shared by the other thirteen families which had been brought in by P, Q and R. The headmen of the two *patṭīs* belonged to B's family and to Q's respectively.

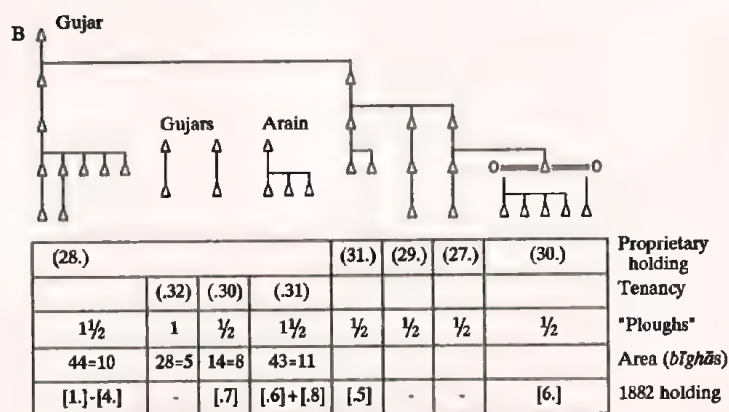
What the point was of such a detailed description in 1882 is unclear, except perhaps to establish B's precedence, or B's and Q's descendants' claims to the headmanship. In 1853, holdings in the village did not vary greatly in size. Out of 46 proprietary holdings over 38 "ploughs", 18 were of  $\frac{1}{2}$  a "plough", 6 of  $\frac{3}{4}$ , 5 of  $\frac{3}{7}$  (part of an uneven division of 3 "ploughs"), 4 of 1, and 4 of  $1\frac{1}{2}$ . The formal allotment of land had also levelled all distinctions amongst colonists, between who owed his holding of land to whom. But there was still room for some inequality of status. Firstly, there were three tenants, on  $\frac{1}{2}$  "plough" each, in joint holdings of Jat *tholas*: one was a Jat (whose holding is shown on Map 4.6 below), another an Arain and the third a Brahman tenant at will. Secondly, 3 "ploughs" were held by tenants within the  $\frac{4}{2}$  "plough" holding of the senior half of B's family: one Gujar held  $\frac{1}{2}$  a "plough", which supposedly dated from the village's foundation ("*roz-i ābādī se*"); three Arain brothers held  $1\frac{1}{2}$  "ploughs"; and another Gujar held one "plough" as a tenant

<sup>58</sup> P and Q were brothers, among whose sons two later split off to found and colonize L-40 nearby.

<sup>59</sup> Most of E's descendants also colonized, and became the proprietors of, L-185.

at will ("on his own testimony", *ba-igrār khud*) despite having held the land for 12-14 years. These three tenancies were numbered (.30), (.31) and (.32) respectively. B's genealogy is shown below. Map 4.6 opposite shows the field-pattern existing in 1882.

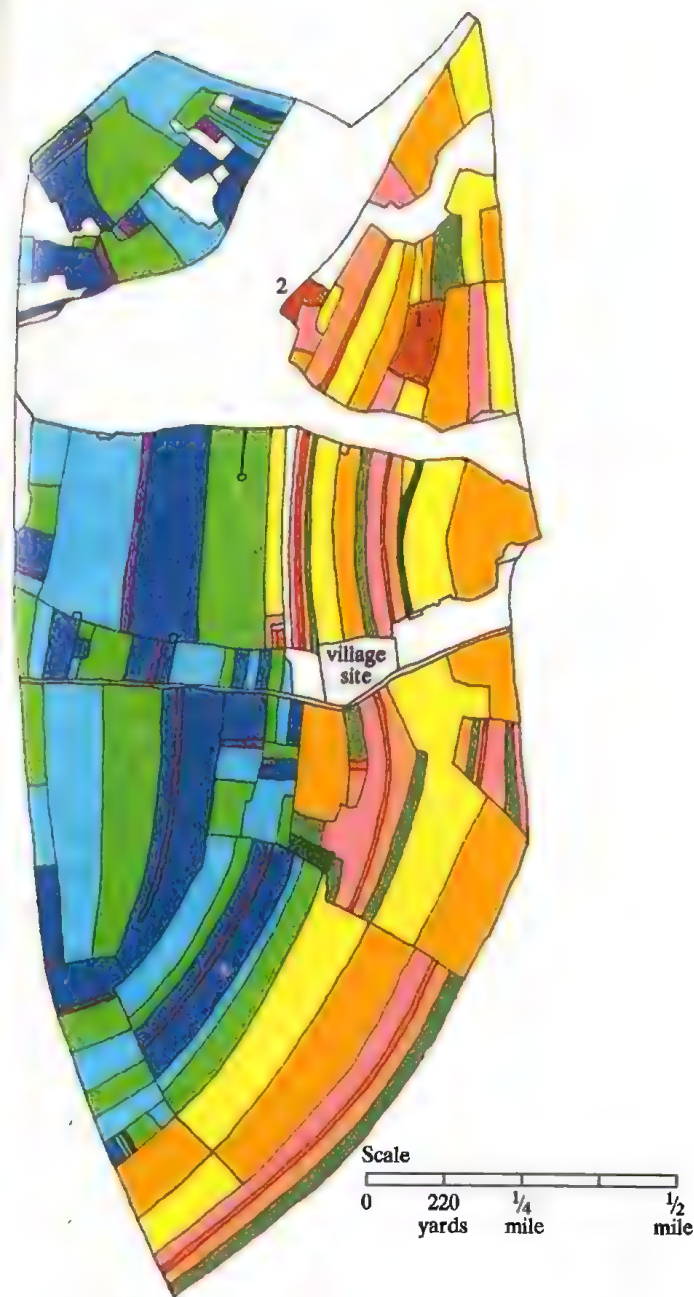
Figure 4.3 L-184, composition of the founder's subdivision, 1853



The contrast of B's *thola* in L-184 with any of the three *pattīs* in L-181 is revealing. As in L-181, shareholders in B's *thola* who were not members of B's family were not made proprietors, even though one shareholder (.30) was said to have been cultivating in the village since its foundation. Shareholders in other *tholas* of L-184, most of whom were made proprietors, were also said to owe their induction into the village originally to B, but they were not distinguished from B's family by an official difference of status.

The more important contrast between the two villages, L-181 and L-184, lies in the allotment patterns. That the serial colonization of L-184 was sealed by a formal allotment is evident from the general pattern of fields. But within the allotments of B's *thola* it is also clear that the tenant (.31) had been allotted strips independently of his owner's home farm (28.). In 4 fields (.31)'s strips were separated from those of (28.) by the strips belonging to the junior branch of





# Key to Map 4.6

## Gujars' *paṭṭī* ( $\frac{1}{2}$ of village)

- Ṭhola-a* ( $\frac{1}{3}$  of *paṭṭī*)
- Ṭhola-b* ( $\frac{1}{3}$  of *paṭṭī*)
- Ṭhola-c* ( $\frac{1}{3}$  of *paṭṭī*)

## Jats' *paṭṭī* ( $\frac{1}{2}$ of village)

- Ṭhola-d* ( $\frac{1}{3}$  of *paṭṭī*)
- Ṭhola-e* ( $\frac{1}{3}$  of *paṭṭī*)
- Ṭhola-f* ( $\frac{1}{3}$  of *paṭṭī*)

## Tenancy-at-will of the village, *mu'āfīdār*

- [.90]/(.66) A Faqir family, rent- and revenue-free  
(also owners of  $\frac{1}{2}$  "plough" in *Ṭhola-c*)

## Tenancies-at-will of the Gujar's *paṭṭī*

- 1 [.48]+[.50]/(.63) A barber
- 2 [.49] A Faqir (not present in 1853)

## Allotments in *Ṭhola-a* (the founder's *ṭhola*)

- [1.]-[4.]/(28.)  $2\frac{1}{2}$  "ploughs": senior branch of the founder's family
- [5.]-[6.]/(27.), (29.)-(31.) 2 "ploughs": junior branch of the family
- [.6]+[.8]/(.31)  $1\frac{1}{2}$  "ploughs": in 1853 this was held by three Arain brothers, in 1882 by the sons of two of them separately
- [.7]/(.30)  $\frac{1}{2}$  "plough": a Gujar, said to have been cultivating in the village "since its foundation"

The tenancies [.6]-[.8] were on land owned jointly by [1.]-[4.]; the junior branch of the family had no share in them.

In 1853 there had been one other shareholding tenancy, (.32) of one "plough", held by another Gujar as tenant-at-will. By 1882 this had lapsed to the proprietors.

The point to note about the allotment patterns is that (.31)'s strips were not always adjacent to those of [1.]-[4.]; i.e. the allotment to (.31) had been made either at the same time as the partition between the senior and junior branches of the proprietors' family or beforehand.

## Shareholding tenancy in *Ṭhola-d*

- [.74]/(.25)  $\frac{1}{2}$  "plough": A Jat

In 1853 there had been one other  $\frac{1}{2}$ - "plough" tenancy, (.26) held by an Arain; but this had lapsed by 1882.

Map 4.6 L-184: village subdivisions, 1882.

the landowners' family. (.30)'s strips, on the other hand, lay invariably next to those of the junior branch; the two sets of strips appear to have formed a single unit of allotment, since in two fields (.30)'s strips were not adjacent to those of (28.). As for the strips of the tenant at will (.32), which had reverted to (28.) by 1882, the date of the field map,<sup>60</sup> one may surmise that, since (28.)'s strips were not disjoint in any field except the one where (.31)'s and the junior branch's were also disjoint, (.32) had not formed a unit independent of (28.). The three distinct units of allotment in B's *thola* were thus: one, (28.) and (.32) on 2½ "ploughs"; two, the junior branch of the landowning family along with (.30), also on 2½ "ploughs"; and three, (.31) alone on the remaining 1½ "ploughs". By the logic of the field pattern (.31) was a shareholder of the *thola*, not a secondary shareholder in the primary shareholding unit belonging to the senior branch of the family. He had left the orbit of his particular host and was a shareholder in his own right. It was possible to have a constitution like L-181 but a field map like L-183.

The example of L-184 completes the detailed analysis of the process of colonization and the formation of shareholding communities during the years before British rule. The main points of this analysis may now be summarized. (1) From the view of the State these shareholding groups could only be corporate, property-owning bodies which should be held collectively and permanently responsible for the regular payment of fixed quantities of cash, as land revenue, into the State treasury. (2) A view of shareholding communities through the official genealogies prepared at the 1882 Settlement only consolidates the view of the State, and stamps village histories with an essential orderliness and an adherence to fixed customs, which the unsettled years of former regimes had but temporarily disturbed. Immutable labels of caste and tribe tied village communities into a readily understood history of all India. No sense is conveyed by the official genealogies that communities had ever been

<sup>60</sup> As explained in footnote 29 on page 148, I copied the 1882 field maps of L-181, 182, 183 and 184 rather than those of 1853.



doing anything with the land except cultivating it and being its custodians — now, under British rule, its proprietors. (3) If the genealogies are filled out, however, with all the details of secondary shareholding which the official versions systematically omitted, and which have to be searched for in the 1853 registers, then an alternative view of shareholding communities is obtained highlighting the dynamics of management of the land. In this alternative view, shareholding communities were not exclusive, property-owning coparcenaries, in the abstract, but groups of cultivators who had continually to make adjustments, individually and collectively, in their relations both to the land and to the State. (4) But it is the field-maps which reveal most clearly the sense of organization in the alternative model. Adjustments and balances were not haphazard affairs. The field-maps reveal precisely regulated, long-term strategies of collective management.

In the final section of this chapter, a brief look will be cast at major changes in landholding in five villages of *pargana* Ludhiana, for which Settlement records exist for the years 1839 and 1842, as well as for 1853. This will be admittedly superficial, since I did not study the earlier records in any detail. But mention should be made of the obvious changes, including administrative changes, if only to return the discussion to the point from which it started in Section 4.1, namely the mobility and flux in the agricultural population during the years before British rule.

#### 4.3 Major changes in landholding in five villages, 1839-1853

In Section 4.2, the focus of analysis was on the internal dynamics of colonization, especially on the incorporation of new shareholders and on the system of allotting land within a shareholding community. This may have given the impression that colonization was relatively smooth, that land was abundant, that people could afford to be generous, that any setbacks to the continued growth of a village were individual affairs solved by a series of accommodations to

individual circumstances. I think this is a partial impression. The allotment of land to shareholders, in holdings of uniform value, was a mechanism to balance the resources of the shareholding group against its own needs and the demands of the State. Some villages were situated more favourably than others, some more oppressed by the revenue demand. Without going directly into the question of the severity of the revenue in the decade before British rule it is clear that there was considerable movement among the population, both locally and regionally, from both towns into villages and villages into towns, caused as much by hardship as by the promise of new land. In the present section I shall summarize the evidence drawn from a limited comparison of the Settlement records of 1839, 1842 and 1853 for five villages, L-158, 175, 176, 177 and 187.

Of these five villages three had relatively stable populations during the period, L-158, 176 and 177. In L-176, between 1839 and 1842, there was one person who was brought in as a shareholder in one of the *tholas*, and this required a general readjustment of shares amongst the different shareholding units. In 1839 the four shareholding units of the *thola* had each held  $1\frac{1}{4}$  "ploughs". In 1842, the newcomer held  $\frac{1}{2}$  a "plough", the headman of the *thola* held  $1\frac{1}{2}$  "ploughs" and the other three units held one "plough" each. Effectively, the five "ploughs" in the *thola* had thus been redistributed amongst the five units equally, but half of the newcomer's share had been retained by the headman. This kind of reallocation of shares was common to accommodate a returned *mafrūr*. The newcomer may in fact have belonged originally to the *thola* since he was the headman's FBS; another FBS was one of the founders of neighbouring L-175.

L-175 and L-187 experienced greater change during the same period. L-175, founded only in 1825, grew from 8 households in 1839 to 31 in 1842 and 37 in 1853.<sup>61</sup> Most of

<sup>61</sup> There was some variation in the form and procedure of census enumeration both from village to village and between the three Settlements. But in L-175 the definition of household seems not to have altered.

the growth occurred amongst agriculturalists. In one *thola*, incorporation proceeded serially, with each of the original two landowners giving half of their rights to two newcomers between 1839 and 1842, who in turn gave a mutual relative  $\frac{1}{3}$  of their rights each between 1842 and 1853. In another *thola* newcomers were simply given extra "ploughs" without disturbing the older colonists' allocation, merely reducing their ratio out of the whole: thus, one person's "plough" was reduced from one out of six to one out of seven, and then again to one out of  $7\frac{3}{8}$ . In a third *thola* two newcomers in 1842 each cultivated  $\frac{1}{3}$  of the *thola* as occupancy tenants; but by 1853 one had left the village and the other had had his share reduced, the land in both cases reverting to the proprietors. Not everybody remained in the village. Amongst non-agriculturalists in particular there was a high turnover of population between 1842 and 1853. In 1839 the only non-agriculturalists were a Chamar and a Faqir, who remained in the village in both 1842 and 1853. But between 1839 and 1853 three households of Arains, one Gujar, a weaver, a blacksmith and a water-carrier came and went; and there were new households in 1853 of a Faqir, a blacksmith, a Shaikh and a non-cultivating Awan.

It was noted in Section 4.1 that L-187 had the highest number of *mafrūr* of any village in 1853. L-187 was also mentioned in Section 4.2.2 as having *paṭṭīs* which were more like loose confederations of shareholders than permanent corporate groups. In 1839 there were five *paṭṭīs* in the village, in 1842 there were only two *paṭṭīs* and in 1853 there were four *paṭṭīs*. Against these changes in the constitution of the village in terms of *paṭṭīs*, however, the basic allotment of land in terms of 32 "ploughs" did not change. Instead of the usual pattern of a two-tiered allotment, with *paṭṭīs* constituted before the allotment, there seems to have been a single level of allotment to all shareholders equally, with *paṭṭīs* constituted only afterwards.<sup>62</sup>

<sup>62</sup> The exact manner of allotment can be confirmed only from the field maps. Comparing the field maps of 1842 and 1853, I checked only that the location of the fields of one particular holding had not changed; I did not

Of the 26 'founding' families of landowners in L-187 in 1853, four consisted entirely of *mafrūr* who had not been registered in 1842 or 1839. Of the other 22 families, only 11 were in possession of the same share in 1839, 1842 and 1853 (including one which in 1853 had become *mafrūr*), covering 19 "ploughs". Another four families were registered as landowners in all three years but their shares changed; three families were new to the village in 1842, and four were new in 1853. This represents a relatively large turnover of population.

In 1839 the major difference was that one of the five *paṭṭīs*, covering 6 "ploughs" out of 32 in the whole village, was held by someone called *munshī* Pir Bakhsh, a Rajput who can not be identified in 1853, nor was he recorded on the 1882 Genealogy.  $2\frac{1}{2}$  of the 6 "ploughs" were cultivated by the *munshī* himself; one "plough" by someone who was registered in 1842 with the same share but had disappeared by 1853; and the other  $2\frac{1}{2}$  "ploughs" by three other cultivators who were registered neither in 1842 nor in 1853.<sup>63</sup> In 1842 the position was completely different. Now *munshī* Pir Bakhsh was not registered as a proprietor. Instead, there was a  $4\frac{1}{2}$  "plough" joint holding shared by three families in the ratio  $2\frac{1}{2}:2$ , call them P, Q and R. Apart from this joint holding, P and Q each had a separate holding of one "plough" (unchanged since 1839), while R was a newcomer in 1842, with a separate holding of two "ploughs". A remark in the margin of the register described the position regarding the  $4\frac{1}{2}$  "plough" joint holding (roughly translated) thus:

This land was cultivated by *munshī* Pir Bakhsh for three years because R had left the village and because P and Q were in difficult straits (*saqīm-ul-hāl*). A year ago a partition was made between Pir Bakhsh as tenant (*muzāri*) on two "ploughs" of the

look at the way the fields of *paṭṭīs* were placed relative to each other.

<sup>63</sup> Nor were they householders in 1839. *Munshī* Pir Bakhsh's household, on the other hand, was of composition (6-7-4-7), enormous by 1853 standards; and it possessed 6 plough-teams, surely not fortuitously related to the 6 "ploughs" of the *munshī*'s *paṭṭī*.



land, R the original owner (*aṣl mālik*) on one "plough", P the original owner on one "plough" by means of the cultivator X (*kāshikār*), and Q the former *biswādār* on half a "plough".

They cultivate and will pay the revenue on this basis.

That is to say, P and R leased half their holdings, or one "plough" each, in tenancies to *munshī* Pir Bakhsh; P leased the other half of his holding to X; R cultivated the other half of his holding himself; and Q cultivated his  $\frac{1}{2}$  "plough" himself.

*Munshī* Pir Bakhsh cannot be identified in any other source. It certainly looks as if he had stepped in temporarily, in 1839 or before, to manage the cultivation of six "ploughs", and that by 1842 this temporary arrangement was in process of being resolved. The connotation of the term *paṭṭī* in 1839 to describe his holding would thus be of a revenue contract or lease rather than of a corporate, revenue-paying group of shareholders. No mention of mortgage or sale, however, was made in the registers of 1839 or 1842, although elsewhere (in L-177) sales and mortgages were recorded in the 1842 registers. "Difficult straits" probably sums the matter up.

L-187 shares with L-158 another feature of the 1839 record which points to hard times or the reluctance of cultivators to assume responsibility for the revenue. Each village had two different registers to show how revenue liability was to be divided, the first of which had been rejected. For L-187 the first register had divided revenue liability between just two families of Rajputs, naming the various members of the family as cosharers but no one else. The second showed the village divided into five *paṭṭīs*, with a detailed breakdown of the share of each shareholding unit, both in terms of "ploughs" and as fractions of the whole estate. An interesting point is that, in L-158, one of the four people named in the first register was someone who subsequently was only ever registered as an occupancy tenant. Had he not refused responsibility for the revenue he would surely have been later registered as a full proprietor.

The final point to arise from this summary comparison of the records of 1839, 1842 and 1853 concerns four of the five

villages. Only in L-175 did the partition of the village into subdivisions in 1839 remain unaltered in 1842 and 1853, although there were changes in their internal composition. L-187 has already been reviewed. In L-158 the partition in 1839 into two equal *paṭṭīs* was altered in 1842 to a division in the ratio 3-to-2. From the pattern of fields and the composition of holdings in 1853, it is likely that this change of ratio was effected by transferring holdings from one subdivision to another, with the possession of individual plots remaining unchanged.<sup>64</sup> In L-176 the partition in 1839 was into three equal *paṭṭīs*, with a slightly different number of "ploughs" in each *paṭṭī*. In 1842 there were still three *paṭṭīs*, and the shares of each shareholder within a *paṭṭī* remained unchanged (apart from the adjustment in one *thola* mentioned above); but the revenue was now distributed, throughout the village, over individual holdings according to their area rather than according to their share within a *paṭṭī* in "ploughs". This made a difference of 3-4% in the amount some holdings had to pay, since each *paṭṭī* contained a different number of "ploughs": in other words a difference of about one and a half rupees per year.<sup>65</sup> Finally

<sup>64</sup> See Map 7.1 facing page 301.

<sup>65</sup> The absolute area of every holding in the village agreed with its measure of "ploughs" to the nearest *biswā* ( $151\frac{1}{4}$  square yards): e.g. in the *paṭṭī* with  $8\frac{1}{2}$  "ploughs" there were 8 holdings of  $\frac{1}{2}$  a "plough" each, of which 7 measured ( $16=19$ ) *bīghās* and one measured ( $16=18$ ) *bīghās*; 2 holdings of one "plough", each measuring ( $33=18$ ) *bīghās*, or twice ( $16=19$ ); and one holding of  $2\frac{1}{2}$  "ploughs" measuring ( $84=15$ ) *bīghās*, or  $2\frac{1}{2}$  times ( $16=19$ ). The three *paṭṭīs* had slightly different absolute areas: ( $288=2$ ) *bīghās* divided into  $8\frac{1}{2}$  "ploughs", ( $270=3$ ) *bīghās* divided into 7 "ploughs", and ( $278=8$ ) *bīghās* divided into  $7\frac{1}{2}$  "ploughs" respectively. If 1000 rupees were distributed equally over the three *paṭṭīs* and then by "ploughs" within each *paṭṭī*, a one-"plough" holding in the  $8\frac{1}{2}$ -plough *paṭṭī* would be liable to Rs.39·2 (in decimal fractions rather than *ānās*) and in the 7-"plough" *paṭṭī* to Rs.47·6; if, on the other hand, 1000 rupees were distributed according to the relative area of holdings within the total area of the three *paṭṭīs* combined, i.e. as a proportion of ( $836=13$ ) *bīghās*, then the same one-"plough" holdings would have to pay Rs.40·5 and Rs.46·1 respectively. Thus the shareholders of the second *paṭṭī* stood to gain from the new form of distributing the revenue, while the shareholders of the first *paṭṭī* stood to lose by it; and the role of *paṭṭīs* generally was diminished. The revenue demand from

in L-177, although the four main *paṭṭīs* remained unaltered, the way in which the constitution of the village was recorded differed between the three Settlements. In 1839 only the four *paṭṭīs* were officially registered, together with details of all their shareholders. A remark at the bottom of the *biswā-dārī* register (equivalent to the register of *khewāṭs*) said that although the *biswādārī* (i.e. ownership) of the village had long belonged to the Awans, nevertheless X (the headman of the Arains' *paṭṭī* in 1842) held a fifth share of the village and enjoyed a corresponding share of the *in'ām* (headmen's dues) "with the permission of the proprietors", cultivating one fifth of the lands along with others belonging to service castes (*qaum kamīnān*).<sup>66</sup> In 1842 this fifth *paṭṭī* was registered on a par with the other four *paṭṭīs*, and its share was indeed one fifth of the whole ( $9\frac{1}{4}$  "ploughs" out of  $47\frac{1}{4}$ ).

Some of these constitutional changes are an indication of administrative waywardness or of developments in the form of registration. The 1839 Settlement was only a Summary Settlement, and was made under Regulation VII of 1822 rather than under the revised Regulation IX of 1833. But there is no mistaking the general sense conveyed through the 1839 and 1842 records, first, that the administration was concerned more with revenue than with rights, and second, that cultivators in several villages found it necessary, either individually or collectively, to adjust their revenue burden.

L-176 was 726 rupees in 1882 and would have been about the same amount, or slightly more, in 1842. There is no indication in the records that this kind of calculation was in fact made, although the issue of fairness continued to be important ideologically (cf. the reasons given on the 1882 Genealogy of L-176 for dividing the village into *paṭṭīs*, quoted on page 142 above).

<sup>66</sup> The fifth *paṭṭī* consisted of seven Arain families, two families of Gujars, one of Faqirs, one of washermen and one of cobblers, all of whom were said in the 1882 Genealogy to have been settled in the village at the end of the eighteenth century 'to help with the revenue'. All these families were enumerated at the household census of 1839 as resident in the village and as 'agriculturalist', without being named individually in the register of land.

## Chapter 5

### Tenants in 1853: the grid of official classification

In the previous chapter it was shown that one of the main features of the locality during the first half of the century was the increasing colonization of uncultivated land. New villages were founded, either by bands of colonists coming together at one time or by a more gradual "snowballing" process whereby successively each new set of colonists brought in others. Older villages having land to spare were forced to admit new groups of cultivators in order to meet the increased revenue demand. In almost all villages the process of colonization was sealed by a formal allotment of the cultivable land and a corresponding division of revenue liability. Although the evidence has yet to be given, there is no known case where the allotment pattern found to exist at the start of British rule could have been in operation for much more than a generation. An understanding of village institutions has to give this proper weight. Even after a formal allotment the shares of subdivisions could be readjusted, and shares within a subdivision be redefined, as individual cultivators came and went. The impression of movement among the population entails both mass colonization and the continual movement of individuals across the locality.

When tenants are considered, the impression of movement is given firmer diachronic shape. Duration of tenure was of course a criterion used by officials to distinguish between landowners and other cultivators, to the



extent that, against the name of every tenant, it was stated in the 1853 registers how long he had been in occupation of his holding. But more important than such explicit testimony, which can always be doubted, is the internal comparison that can be made between official landholding status, on the one hand, and the pattern of field allotment, on the other hand. This mapping from one order to another penetrates the surface of official categories. If the mapping is one-to-one — if the people who were allotted strips in the several blocks of land scattered around the village are exactly those awarded proprietary status, no more no less — then the two orders coincide and no question is generated. But in most villages the orders do not coincide. There were cultivators who had been allotted strips in identical manner to proprietors but who were awarded only the status of tenant (in some cases tenant at will, not even occupancy tenant). Conversely there were cultivators who were awarded proprietary status but who had obviously not been present at the time of the original allotment. When these internal contradictions are themselves plotted over the whole locality, not only does one see into the working of the Settlement and the award of landholding rights but one also sees more precisely how the land was being colonized over time.

The progressive incorporation of new cultivators over time was both a group matter and a matter concerning individuals. A second kind of mapping has therefore to be made of the condition behind tenancies. Once a group of proprietors had been identified by the authorities every other landholder was classed as a tenant. Admittedly a distinction was made between tenants with hereditary rights of occupancy and those without. But a close reading of the circumstances of the lessors in 1853 shows that the number of leases by individuals which could be termed economic was very small at the time. Land was not leased solely for financial gain. Most leases by individuals in 1853 overlay other social relations, whose nature it should be an object of research to expose. Again this reading carries implications for an understanding both of the working of the Settlement,

in this case the artificiality of the official categories, and of the conditions of agriculture at the time.

A third kind of correlation may also be made, between those who were classified in the Census registers as agriculturalists and those who were registered in the Settlement records as landholders. This correlation reveals that approximately 10% of the population in 1853 possessed ploughs and plough-oxen but were not registered in any official capacity as the holders of land. Where the Census was taken a year or two before land was registered (although seldom in fact before Gokul Kumar's preliminary investigations) some of this 10% may have been composed of the most transitory landless cultivators moving about the locality in search of more secure access to land. But the magnitude of the proportion suggests both a structural feature of agriculture and a structured fault in land registration. In one case where the Census enumerator himself tried to correlate the Census classification with the Settlement record, it was clearly not transitoriness at issue, nor the ebb and flow of personal fortune, but it was a problem of classification, of fitting an essentially vertical mould over horizontal relations. In this regard a brief foray into much later records, when agrarian relations were recorded differently, offers an insight into what may have been hidden behind the bland categories of 1853.

### 5.1 General extent of tenancies in 1853

The map on the following page shows the proportion of cultivation under tenants in the northern half of Ludhiana *tahşīl* in 1853. Colouring is in intervals of 12½%. The figures derive from the English Statements No. II for each village, which are contained in the Pargana Notebooks of the 1853 Settlement. The figures are slightly distorted on two counts. Firstly, *mu'āfi* land is excluded because no breakdown of *mu'āfi* cultivation was given in the Pargana Notebooks. Table 3.2 on page 109 above, showing the largest proportions of *mu'āfi* land in the region, gives an

indication of how much the present figures may be distorted on this count. Secondly, the English Statements gave breakdowns only of assessable area, not of cultivated area. For the purposes of the map I have shown the area of tenancies (given in terms of assessable area) as a proportion of the total cultivated area rather than of the total assessable area. Assessable uncultivated land included the cultivable portions of village commons which were invariably registered in 1853 under the joint occupation of the proprietors and which were sometimes vast. It was a matter of policy under British rule that tenants should be excluded from any say in the management of commons. In villages for which I have a detailed breakdown of the area the amount of uncultivated land held by tenants in 1853 was small. Despite these shortcomings the map does give a general indication of the extent of tenancies in 1853.

Of the 312 villages depicted on the map 50% had less than one eighth of cultivation under tenants. Only about one sixth of the villages had more than three-eighths of cultivation under tenants.

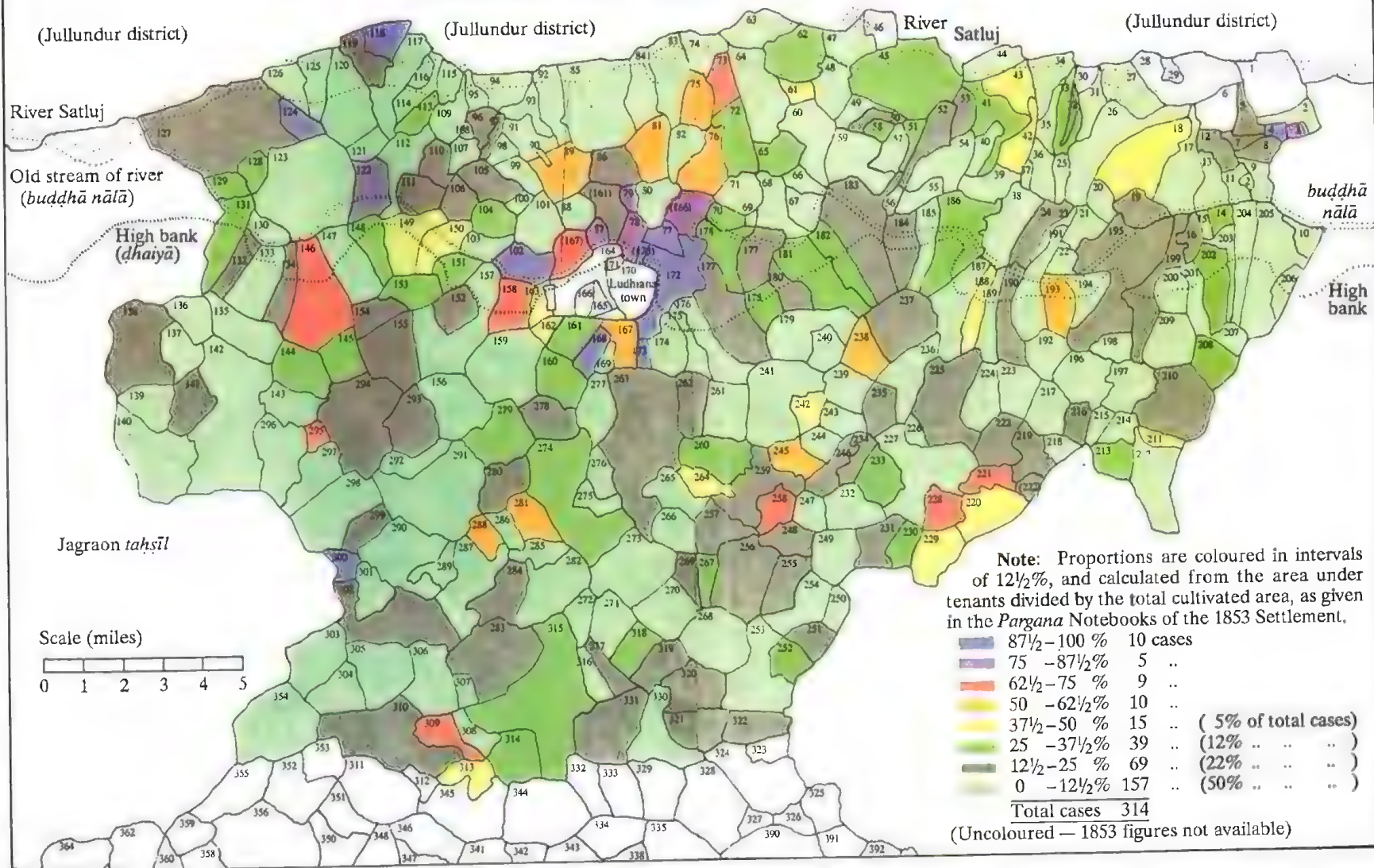
Estates in which tenants did most of the cultivation were concentrated around the town of Ludhiana, especially the urban estates themselves. Otherwise the distribution shows no obvious pattern. The few isolated villages in which over  $\frac{3}{4}$  of the cultivation was by tenants were exceptional in other ways. L-3 and L-4 had recently been purchased by a physician of Ludhiana, and cultivation was by the former proprietors. In the case of L-3 the proprietors had refused the assessment and the village had been put up for auction. L-124 was a newly formed estate bought by a Bhabra trader of Ludhiana. L-300 similarly had been purchased at auction by bankers of Ludhiana after the proprietors had deserted the village because the demand of the Summary Settlement had been too high. In L-122 too the proprietors had refused the assessment and the village had been let in farm (*mustājiri*) to the tenants, the proprietors receiving 5% of the revenue.<sup>1</sup> L-118, on the other hand, had been eroded by

<sup>1</sup> Davidson (1859:para.49).



# TAHŞĪL LUDHIANA

Boundaries and *haddbast* numbers of village estates at the 1909-10 Settlement



Map 5.1 Proportion of cultivation under tenants, northern half of Ludhiana tahşil, 1853.

the river Satluj: although the only cultivation in 1853 was by tenants this represented less than 1% of its total nominal area.

Apart from the urban estates of Ludhiana and the foregoing exceptional purchases it would be misleading to describe a village as "landlord" solely on the basis of the high proportion of cultivation by tenants. L-102 illustrates the problem. Here 89% of the cultivation was by tenants. But the two landlords might better be described as only the first among equals, awarded the proprietorship of the village by reason of their claim to have brought in other cultivators and to have taken sole responsibility for the revenue. In other villages where colonization had been gradual and had been sealed by a formal allotment of land no special rights were awarded the descendants of the first founders, as the example of L-184 showed in the last chapter. In L-102 there is inconsistent evidence that an allotment had once been made on the basis of 27 "ploughs", with the two landlords sharing  $5\frac{1}{2}$  "ploughs" or about one fifth of the whole. But such an arrangement was the norm in other villages where there was a high proportion of cultivation by tenants. Of villages in the maximal sample having more than 50% of cultivation under tenants, L-73, 75, 76, 89 and 158 all had formal allotments; and of these the "landlords" of L-76 and of L-89 consisted of several unrelated families divided into different *pattīs*. Only in L-81 had the main landowning family clearly never belonged to a coparcenary of cultivators, nor had the land been allotted on any formal principle.<sup>2</sup> In any case, where there were communities of shareholding cultivators it surely has to be asked why some members of the community were awarded proprietary rights over others. L-102 is perhaps only an extreme case of the standard shareholding tenure, exemplified by L-183.

<sup>2</sup> These cases are considered further in Sections 7.2 and 7.3.







Explicitly or implicitly a shareholding tenancy was still assigned a conventional measure of so many "ploughs" in the registers of the 1853 Settlement. But this was a technical matter which did not concern rights to common property nor entail any say in the management of common resources. It was merely a convenient way to allocate relative proportions of the revenue before the notion of commercial rent had taken root. Moreover, at the 1882 Settlement "ploughs" were no longer recorded for tenants, even in this limited capacity. I say implicitly, because of the manner the record was made, which itself reflected official policy with regard to property. The principal source for the explicit recording of "ploughs" against tenancies at the 1853 Settlement is Gokul Kumar's preliminary register, which was prepared before the fields had been surveyed. After detailed field measurements it became possible to distribute the revenue over a body of cultivators by a rate per unit area or even a rate per unit area of the different classes of soil. Where such a rate was applied no record of "ploughs" was made in the final 1853 register, for traditional measures had now been superseded. Furthermore, where the traditional measure of "ploughs" was still employed for the distribution of revenue, and the

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these four villages yields a maximum variation of 2.2% (in L-180) between the two sets of figures — except for two villages where the differences are more substantial.

For L-188 the 1853 Pargana Notebook shows 38.6% of cultivation in tenancies against my own figure of 24.3%, the whole difference occurring in the figure for occupancy tenancies. Here it seems that the official abstracts included five holdings of Faqirs among occupancy tenancies, amounting to  $1\frac{1}{4}$  "ploughs" on (77=12) *bīghās*, although these Faqirs were made proprietors during the course of Settlement. This adjustment brings the two figures into exact agreement.

For L-70, however, where the Pargana Notebook shows 23.3% in tenancies at will against my own figure of 7.8%, I cannot fully explain the difference. For this village (and in L-65 and L-67) I had to estimate the area of some tenancies on the village commons, which I had failed to copy from the records. But I believe there is some other basis for the difference, such as the official abstract including a *mafrūr*'s holding as a tenancy, which cannot be resolved without checking the original records.

'rent' of shareholding tenancies was nothing more than their share of the revenue, separate measures of "ploughs" were only recorded in the final 1853 registers against those tenancies which comprised a joint holding of several proprietary units or a common holding of the village. "Ploughs" were not recorded against tenancies within individual proprietary holdings, since the proprietors were already responsible to the State for the entire assessment on their holding, even if a proportion of that assessment was paid through them by tenants. Tenants were not responsible directly to the State. To deduce a tenant's "plough" measure in such a case one has to calculate the area of his holding as a proportion of the area of the proprietary holding, or the amount of rent he paid as a proportion of the revenue the proprietors had to pay.

An example will make the point clearer. In L-184 the holding of the senior stem of the seniormost colonist in the village, B, measured  $4\frac{1}{2}$  "ploughs". The holding was divided into four cultivation units, (.29)-(.32), which in absolute area measured (44=10), (14=8), (43=11) and (28=5) *bīghās* respectively. (.29) was the home farm, (.30) and (.31) were occupancy tenancies, and (.32) was a tenancy at will.<sup>4</sup> Gokul Kumar's register for this village survives. But because the village belonged to *pargana* Ludhiana which was settled in 1842-44, the distribution of revenue recorded by Gokul Kumar was on the basis of the area of holdings rather than on the conventional measure of "ploughs". At the 1853 Settlement, by contrast, "ploughs" formed the basis for distributing the revenue over individual holdings. No breakdown of "ploughs" was given for the tenancies (.30)-(.32), for the reasons I have stated. However, there were two common holdings of different *tholas* in the village, one consisting of a single tenancy, the other of two tenancies. Each of these common holdings had a "plough" measure recorded against it in the final 1853 Settlement register. Against the first, a tenancy at will of (14=14) *bīghās* held by a Brahman,  $\frac{1}{2}$  a "plough" was recorded.

<sup>4</sup> See Figure 4.3, page 176 above.



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Against the second, which consisted of two occupancy tenancies of area (14=1) and (14=3) *bīghās*, held by a Jat and an Arain respectively, a combined measure of one "plough" was recorded. Thus although a "plough" measure was not recorded against (.30)-(.32) individually I think we can safely conclude that their "plough" measures were respectively  $\frac{1}{2}$ ,  $1\frac{1}{2}$  and 1. The home farm (.29) therefore also measured  $1\frac{1}{2}$  "ploughs", although the proprietor was liable to the State for  $4\frac{1}{2}$ . As Map 4.6 showed, each of these holdings did in fact consist of a set of 'equally-valuated' strips. In other words, these were shareholding tenancies.

A second example is important for conceptual reasons as it shows how an occupancy tenancy within an individual proprietary holding could originate as a partnership with the proprietor. In L-65 the proprietary holding (3.) measured (22=17) *bīghās* and was equivalent to  $\frac{3}{4}$  of a "plough". The entire holding was registered as "*khudkāsh*", cultivated by the proprietor himself. In the remarks column of the register, however, was the following note: "With X [the proprietor] the occupancy tenant Y cultivates half in partnership" (*X meñ Y muzārī'a maurūṣī nisfī kā sharīk-i-kāsh hai*). By 1882 this occupancy tenancy had become registered separately. I am not suggesting that in the example from L-184 the various shareholding tenants all originated as partners. But this was certainly one way in which someone who had been brought in as an equal partner in the cultivation became registered in an unequal relation with regard to landed property. As will be seen later in the chapter the grid of official classification did not always catch this kind of partnership: in the present case it was caught literally in the margin.

A final example is taken from the other end of the spectrum where the difference between shareholding and non-shareholding tenancies is blurred. In L-65 the principal family of the first *patī* held  $5\frac{1}{4}$  out of the  $6\frac{1}{4}$  "ploughs" in the *patī*. Each of the two stems of the family had its own separate holding, (1.) and (4.), measuring (75=15) and (76=1) *bīghās*; and together they shared two joint holdings, (5.) of (83=7) *bīghās* and (6.), mortgaged to proprietors of

L-60, estimated at (43=17) *bīghās*. One "plough" was equivalent to (53=7) *bīghās*. Each *khudkāsh* portion of (1.) and (4.) measured (53=10) *bīghās*, or one "plough" each; the *khudkāsh* portion of (5.), together with (6.), measured (105=1) *bīghās*, equivalent to 2 "ploughs". The remaining  $1\frac{1}{4}$  "ploughs" were divided equally between (1.), (4.) and (5.), and were cultivated by tenants — occupancy tenants in (5.) and tenants at will in (1.) and (4.). The partition is so neat that one expects the individual tenancies to have similarly neat areas. But the six tenancies at will and two occupancy tenancies had the following areas: (9=10), (1=18) and (10=17) *bīghās* in (1.); (11=17), (6=12) and (4=2) *bīghās* in (2.); (8=16) and (14=17) *bīghās* in (5.). These areas have no simple "plough" equivalents. In this case one should probably not conclude that the tenants were fully incorporated into the shareholding community, even though the overall allotment was regular. L-65 was a village whose field map I did not examine, nor has Gokul Kumar's register for the village survived. In the Pargana Notebook, however, the Settlement Officer noted that the occupancy tenants in the village paid rents in lump sums (*bil-muqṭa*), while the rents of other tenants were either in lump sums or in kind. In short, the tenants in (1.), (4.) and (5.) did not pay a proportion of the revenue as rent. The overall allotment of cultivable land was certainly in "ploughs" but not the subordinate allotment in individual tenancies. These tenants were not in any way partners of the proprietors. Should they be counted collectively as shareholding tenants?

I have included the area of these L-65 tenancies with the total area of shareholding tenancies in the core sample on the grounds that in other villages there were groups of tenancies within joint holdings, which together occupied their own distinct blocks of land, yet which both collectively and individually were assigned a "plough" measure. The Dogar tenancies on the village commons of L-181 were like this, whose fields are coloured purple in Map 4.5 facing page 153. As much of Chapter 4 demonstrated, there was a fairly wide band of practice in the way fields were allotted and cultivators incorporated into a shareholding community.



The only other tenancies for which there is the same doubt of classification as for the tenancies of L-65 were two in L-186, which together measured (33=8) *bīghās*, equivalent to one "plough", but were divided in the ratio  $\frac{2}{5}$  to  $\frac{3}{5}$ , an unusual ratio in "ploughs". The number of shareholding tenancies in Table 5.1 is not exaggerated by very much.

### 5.3 Non-shareholding tenancies

In Table 5.1 two types of non-shareholding tenancies were distinguished: those within the common holdings of a *thola*, *paṭṭī* or village-as-a-whole; and those under individual proprietors. The former can now properly be described as tenancies on village commons, since shareholding tenancies, by definition those forming allotments, have been classified under a separate heading. However it is the tenancies under individual proprietors which will come under particular scrutiny in the present section, since they reveal more about how the grid of official classification was applied in individual circumstances than do tenancies on commons. Tenancies on commons reveal something of the general condition of the village, but nothing about the variety of relations between individual lessors and lessees that were subsumed under the official category of tenant.<sup>5</sup> Tenancies

<sup>5</sup> For the breakdown of tenancies on commons in L-59 at the time of the 1853 Settlement, as an example, see the notes accompanying Map 3.3 on page 105 above. The tenancies fell into three main types: (a) large fields in the middle of commons which were cultivated by residents of the village who were not landowners (notably (.27), (.49), (.54), (.56) and (.80)); (b) small plots which abutted allotments and which were cultivated by the holders of the neighbouring allotment ((.50)/(.83), (.52), (.82), (.84), (.85)-(.87) and (.88)); these plots could be considered encroachments upon the commons, especially into the beds of streams which for most of the year remained dry; and (c) intermediate plots which belonged topographically to (a) but which were cultivated by landowners ((.51) and (.55) — also (.53) and (.57) though these were situated on a stream-bed —, (.75)/(.79) and (.76)/(.81), and (.89)). The third class is intermediate between the first two in the relational sense too. Thus (.55) was a landowner whose allotments, unlike those of every other shareholder in the village, took the form of only

under individual proprietors accounted for just under half of all non-shareholding tenancies and almost all of them were tenancies at will.<sup>6</sup>

Of shareholding tenancies, 90% were held by a distinct class of people: resident cultivators who did not belong to the proprietary community.<sup>7</sup> With non-shareholding tenancies however the situation was more involuted, even in 1853, in the sense that a larger proportion of the tenancies were held by proprietors of the village as sharecroppers.

two plots (47 and 74) both of which adjoined commons; and this anomaly or disjunction suggests that (.55) had only recently been incorporated into the shareholding community, whereas (.49), (.54) and (.56) were still not counted as full shareholders. On the other hand, (.75)/(.79) and (.76)/(.81), who belonged to a single landowning family of Arains, cultivated the adjoining plots of the *mu'āfidār* (66.); here the reason (.79) and (.81) belonged to village *shāmilāt* while (.75) and (.76) belonged to the *shāmilāt* of the Awans' *paṭṭī* is, I think, that the former might have belonged to a recently lapsed *mu'āfi* holding, like (66.).

<sup>6</sup> Ignoring the contentious L-65 tenancies, there was just one non-shareholding occupancy tenancy on severally land in the core sample, of (6=19) *bīghās* in L-70 to a Jat resident of Ludhiana.

<sup>7</sup> Table 5.2 on page 212 shows the different classes of landholders by household and caste, rather than by area of cultivation as in Table 5.1. 88 of the 99 households of occupancy tenants in the core sample belonged to shareholders (including the households of two barbers and one Arain in L-186 who were shareholding tenants at will but non-shareholding occupancy tenants), and 11 of the 52 households of tenants at will. 10% of shareholding tenancies were held by proprietors as follows:

(51=16) in 2 occupancy tenancies, to agnates (L-59, 186);

(10=6) in 1 occupancy tenancy to an owner in the same *paṭṭī* (L-187);

(20=17) in 1 tenancy at will to an owner in the same *paṭṭī* (L-182);

(45=9) in 2 occupancy tenancies to a village *mu'āfidār* (L-182, 188);

(48=3) in 1 occupancy tenancy to sons of a village *mu'āfidār* (L-186).

The tenancy at will and the last case appear to have been taken up by proprietors after the abandonment of an allotment by someone else. The first two cases, in L-59 and L-186, involved one branch of a family taking on land already allotted to another branch because of disparities in their relative capabilities; *de jure* the shares of the two branches accorded with rules of inheritance, so adjustments of possession *de facto* in favour of the larger branch had to be registered as tenancies under the smaller branch. The case in L-187 was similar, except that it did not involve close agnates.



Non-shareholding tenancies were also smaller on average. The average size of a shareholding tenancy was (25=0) *bīghās* for those with rights of occupancy, and (15=16) *bīghās* for tenants at will. By contrast, non-shareholding tenancies on the commons averaged (5=0) *bīghās* (both with occupancy rights and without), while the 34 non-shareholding tenancies at will on land owned in severalty averaged (17=3) *bīghās*. These last 34 tenancies, on a total area of (583=16) *bīghās*, will now be looked at more closely.

For the purposes of Table 5.1 any holding whose cultivation was not recorded unqualified as "*khudkāsh*" was counted by me as a tenancy. There were seven holdings which were marginal in this regard: three cultivated by the mortgagors on their mortgaged holdings, total (128=0) *bīghās*; three by the guardians of a widow or of someone under age, total (172=12) *bīghās*; and one by the temporary occupant (*qābiz*) of a *mafrūr*'s holding of (55=7) *bīghās*.<sup>8</sup> These seven holdings together accounted for (355=19) *bīghās*. This leaves (227=17) *bīghās* in 27 tenancies at will unaccounted for, of those within severalty holdings.

Six of the above seven holdings were the complete holdings of a proprietor or group of proprietors. There were six other proprietary units in 1853 which were wholly leased, accounting for a further (97=1) *bīghās*. The proprietors concerned were all either widows, children or *mafrūr*.<sup>9</sup> In

<sup>8</sup> The mortgages were as follows:

In L-59 the entire holding of an Awan was mortgaged to the registered shopkeeper of the village, who was also brother of the *patwārī*;

In L-65 part of a joint holding was mortgaged to Jat proprietors of L-60;

In L-67 the entire holding of an Awan was mortgaged to a Khatri, whose son had acquired by purchase the most land of any individual in villages of the maximal sample by 1882 but who otherwise can only be identified in the 1853 records as a banker (*ṣarāf*) in Ludhiana who had a house next to that of the widow of Rai Gobind Jas (from whom he bought a garden in L-172).

<sup>9</sup> The holdings were as follows:

widow: L-67:(11.);

children: L-67:(7.), L-184:(34.) and L-183:(59.); the latter were also *mafrūr*;

*mafrūr*: L-60:(71.), L-187:(13.).

four of these cases the tenants, or lessees, owned land in the same subdivision as the lessors, and in three of the four they were close agnates. The holding of the child in L-184 was leased to a resident Gujar who cannot be linked with any registered landholder in the village in 1882. The *mafrūr*'s holding in L-187 was in the possession of his *paṭṭī* jointly but was leased in two parts: half to a resident barber and half to an otherwise unidentifiable Rajput.<sup>10</sup>

Thus far, (325=0) of the (583=16) *bīghās*, or 11 of the 34 non-shareholding tenancies being considered, related to proprietors whose circumstances did not enable them to cultivate. A further (128=0) *bīghās* related to mortgages. (130=16) *bīghās* in 20 holdings remain unaccounted for.

Continuing the analysis in the same vein, each of the four largest of the remaining 20 tenancies, together totalling (77=2) *bīghās*, formed a definite fraction of a proprietary holding, without being what I would call a shareholding tenure. In L-181, half of (10.), or (28=4) *bīghās*, was leased to (9.), the *lambardār* of the *paṭṭī* who had a large holding of his own.<sup>11</sup> By 1882 half of (10.)'s land had been gifted to his father's sister's son and it is possible that the lease in 1853 to (9.) anticipated the gift in some sense, although the donee was not at the time resident in the village. Secondly, in L-185 (20=17) out of (99=16) *bīghās* held by (6.), or about 1/5th, was leased to a resident Jat. Thirdly, in L-68 (17=15) out of (24=12) *bīghās* held by (45.), or 3/4, was leased to agnates, who were proprietors in the same *paṭṭī*. Fourthly, in L-183 (10=6) *bīghās* or 1/2 "plough" on (21.)'s holding of 6 7/8 "ploughs" ((142=10) *bīghās*) was leased to an agnate in

<sup>10</sup> There were three other proprietary holdings completely leased: two joint holdings (L-55, 182), belonging to people who cultivated their home-farms themselves; and one (in L-60, divided into three tenancies) the holding of someone who owned land in other *paṭṭīs* of the village, which he cultivated himself. I have not counted these as "completely leased proprietary units" because some of their land was cultivated *khudkāsh*.

<sup>11</sup> (9.)'s holding was the largest in the entire core sample, being 11 1/2 "ploughs", or (339=3) *bīghās*; of this, 6 "ploughs" were held by shareholding tenants and (6=5) *bīghās* by a proprietor of L-67 as tenant at will; (155=7) *bīghās* formed (9.)'s home-farm. See Figure 4.2 on page 169.

the same *paṭṭī*. I have not counted these tenancies as shareholding tenancies because three of the four looked like internal, family affairs, while that in L-185 was the only tenancy in the village in 1853; and none continued to 1882.

The final 16 tenancies on a mere (53=14) *bīghās* were held as follows:

- (16=17) to owners in the same *paṭṭī* (L-55, 60 (x5))
- (8=19) to owners of another *paṭṭī* (L-186)
- (8=4) to owners of another village (L-70, 181)
- (11=5) to shareholding occupancy tenants (L-182, 186)
- (7=4) to other residents (L-56, 60, 70, 187)
- (1=5) to someone otherwise unidentifiable (L-187).

Further differentiation of these tenancies could be made on the basis of where the land of each tenancy lay in relation to the general allotment pattern. But for the moment the analysis has gone far enough.

It should be emphasized that this successive differentiation has accounted for all cultivation of individual property in the 20 village core sample in 1853, which firstly was not part of the general village shareholding system and secondly was not unequivocally *khudkāsh*. This is not a large number of tenancies for twenty villages. Put another way, out of 497 proprietary units in the core sample, two holdings were completely mortgaged, 10 holdings were completely leased — all on account of the condition of life of the proprietors — and 16 holdings were partially leased.<sup>12</sup> 18 out of 487 does not suggest a society bursting at the seams for land.

Is this a true representation of agriculture in the locality at the time? True to the official categories, true to the function of the records, yes I think so. The record was not intended as descriptive ethnography; the image of the records as photographs was to come slightly later. The intention of the records of the first, Regular Settlement was to fix responsibility: of a body of proprietors to the State

<sup>12</sup> The figure of 497 proprietary units in the core sample is taken from Table 4.1 on pages 130-1. The 10 'repeat' holdings and 70 joint holdings have not been considered.

corporately, for the management of their property, including the regular payment of State dues; and of everyone else to the proprietors, by way of written constitutions or legally valid individual arrangements or both. Within these limitations the records were true, and could even be thorough. The question must still be asked what the official vision saw and labelled, and what it failed to see or what it classified as outside its scope. The rest of the chapter will be concerned with this problem.

#### 5.4 Inclusiveness of the term *khudkāsh*: sons, widows, sisters' sons, servants

The analysis of non-shareholding tenancies on severalty land in 1853 showed that most of the resident proprietors who leased out all their land were women and children. This finding will now be reversed, to ask how consistently registration dealt with all proprietors who were at a particular point of the life-cycle at the time of the Settlement. Since the records are silent about age, the class of proprietors who stand out most distinctly in this manner are the widows of men who died without male heirs.<sup>13</sup> By examining how consistently widows were registered in 1853, the more general issue may be addressed of the kind of relationships subsumed under the term "*khudkāsh*", or 'cultivation by the proprietor himself'.

In a sense widows had been artificially brought into the limelight. In Chapter Two I suggested that one characteristic of administrative developments in the second quarter of

<sup>13</sup> No women were proprietors in villages of the core sample in 1853 who were not widows. Of villages in the maximal sample, a woman was cosharer in the landlords' *paṭṭī* of L-158, who was identified in the records as "the daughter of X" (therefore sister of the other two cosharers); and in L-172 there were four women who had inherited proprietary rights from their fathers, of whom two were married to other owners of the estate. L-172 stands alone of all the villages in the maximal sample, a consequence, I think, of the proprietary family holding the property as *waqf*. See page 110 above.



the nineteenth century was the increasing specification of the rights of those who hitherto had not been held personally liable for a given portion of the revenue but who nonetheless had a recognizable interest in the land on which that revenue was due. On the one hand, the names of cosharers in a proprietary holding were increasingly recorded, together with their shares (which were thought to be governed properly by rules of inheritance); on the other hand, the identities of tenants were increasingly specified, together with their rights (which were to be determined by general laws). Proprietary interests were thus prised apart and elevated from the facts of possession. If it was not always easy to tell who was a tenant and who a cosharer in the property, the basis of the distinction was only natural: the one belonged to the family, the other did not. As far as ownership was concerned, the widow of a man who died without male heirs was considered to retain the man's proprietary interest until her own death or remarriage, when it would normally revert to his agnates. Such sonless widows stand out in the column of the registers headed 'property', because women were not generally registered as cosharers. On the other hand, as far as physical occupation of the land was concerned, sonless widows stand out from the column headed 'cultivation' because, if they were on their own, their land would have to be cultivated by someone else, and this fact was normally registered.

Thus at the 1842 Settlement no widow was registered as holding proprietary rights in any of the five villages whose records I examined. In the 1853 Settlement records, by contrast, 24 widows were registered as proprietors in the twenty villages of the core sample, against 967 men (excluding *mafrūrs*). Amongst tenants there was only one widow registered, against 222 men.<sup>14</sup>

<sup>14</sup> The sole widow amongst tenants in 1853 was a cosharer in a shareholding occupancy tenancy in L-182, (.15), with her husband's younger brother. She had succeeded her husband some time after Gokul Kumar's preliminary registration. At the time of the census each brother had had his own household, of composition (1-1-0-1) and (1-1-1-1) respectively. The unit also held a non-shareholding tenancy in the village, (.13).

Two of the 24 widows registered as proprietors were technically not in possession of their rights (*ghair qābīza*). Of these, one widow's rights in L-70 were held by her husband's two younger brothers, the other cosharers in the holding, and no details were recorded about how she was maintained, presumably because the holding was undivided.<sup>15</sup> With the other case, in L-188, the widow's rights were divided between her husband's elder brother's four sons, who held (5.), and her husband's younger brother, who shared (6.) with his sister's son. A note was recorded in the margin of the proprietary register that the widow received 4 *bīghās* from each of (5.) and (6.)<sup>a</sup> for her maintenance (*guzāra*) and was not liable for any share of the revenue. 8 *bīghās* represented about a quarter of her legal share. By 1882 her rights of ½ "plough" had been divided equally between the successors of (5.) and (6.)<sup>a</sup>.<sup>16</sup>

What seems to have been decisive in the way an entry regarding cultivation was made was whether the widow was a cosharer in a holding or had a holding on her own. Where a widow was a cosharer in a holding there was no need for any special remark. 18 widows were cosharers in proprietary holdings in 1853, usually with their husband's brother(s) and/or husband's brother's sons or husband's father's brother's sons, and in every case the entry in the column headed 'cultivation' was *khudkāsht*, without elaborating who actually cultivated what. The use of the term *khudkāsht* in this way was general: it applied also to the many cases where one of a group of cosharers in a holding was *mafrūr*, was a minor, was disabled in some way or had a job elsewhere. The details of cultivation recorded in 1853 have

<sup>15</sup> In a similar case in L-75 Gokul Kumar had noted that the widow received the expenses for her food and clothing in exchange for her rights, and the cosharer, her husband's brother's son, paid all the revenue ("... *nān parcha şurf apne kā, ba-iwaz haqq apne ke, leī hai*").

<sup>16</sup> In a case in L-178 a proprietor who had no agricultural equipment was said by Gokul Kumar to have 3 *kachchā bīghās* sown for his maintenance by his mother's brother's son who cultivated the holding. Presumably the widow's 8 *bīghās* in L-188 referred to the produce from that area, which would have been cultivated by (5.) and (6.).



to be thought of from the point of view of the State, enforcing joint liability for the revenue by means of a series of nesting units downwards from the village-as-a-whole, through the various subdivisions, to the individual proprietary holdings (*khewats*) — and no further. Proprietary units were left to manage their own affairs. The arm of the State was not yet that long.

This is not the place to discuss the nature of the proprietary unit. But two remarks may be made. Firstly it is clear from a correlation between proprietary units and households that partition of a proprietary unit was a more formal matter than the setting up of new households. The average number of households to a proprietary holding in 1853 was 1.6, with values ranging from 0 to 5 (excluding L-180). It was fairly common for a father and one or more of his sons to have separate households, not even within the same compound or along the same street. But it was absolutely unknown for a proprietary holding to be partitioned between father and son. What this means, as far as the term *khudkāsh* is concerned, is that a son's labour and resources (a plough or plough oxen) were automatically subsumed under the name of his father.<sup>17</sup>

Secondly, the partition of a holding was a statement about how inheritance was intended to fall in the future. A widow was only registered in 1853 if her husband had died without male issue. When she died or she remarried, her rights usually passed to those of her husband's agnates who had been her most recent cosharers, reverting within the holding, rather than to all of her husband's closest agnates independently of the partitions between them. For instance, in L-59 in 1853, out of a set of four brothers the sons of the oldest held (2.), the widow of the second shared (23.) with

the third, and the fourth held (22.). In 1882 the widow was still alive but had gifted all her rights to the third brother's son, to the exclusion of (2.) and (22.). A slightly different example comes from L-68 where in 1853 a widow shared (27.) with her husband's only brother's oldest son, three other sons having separate holdings, (31.), (28.) and (30.). According to both Gokul Kumar and the final 1853 register, the widow was under the guardianship of her cosharer's second son (i.e. her HBSS, who already had a household separate from that of his father). By 1882 the widow's entire rights had passed by gift to this second son (who also inherited his due share from his father), to the exclusion both of his two brothers, from whom he had partitioned, and of the successors of (31.), (28.) and (30.).

Going back now to the 24 widows of the core sample, the cases of four widows remain to be examined. These four held land on their own in 1853, not joint with anyone. In three cases the land was recorded as cultivated by someone else. In L-67 (11.) was cultivated by two out of three of the widow's husband's brothers, (12.) and (14.) jointly, as her "tenants"; her rights later passed to the successors of all three brothers equally. In L-182, the cultivation of (13.) was described as "*khudkāsh* by means of her guardian X" (*khudkāsh ba-zarī'a X sarbarāhkār*); X cannot otherwise be identified in 1853, although in 1882 he was the under-tenant of an occupancy tenant in [10]; the widow's rights reverted to her husband's agnates in a regular manner. Thirdly, cultivation of (1.) in L-183 was described as "*khudkāsh* under the guardianship of Y her husband's mother's brother's son (*birādar māmūn-zāda shohar khud*)"; again Y cannot be otherwise identified in 1853 and the widow's rights reverted in a regular manner.

The fourth case was of a widow in L-60, whose co-wife's son had a separate holding. Here cultivation was described in the final register of 1853 simply as *khudkāsh*. But Gokul Kumar as usual had been more thorough, noting that the widow had a son by a former marriage who cultivated the

<sup>17</sup> There was one case in the core sample where a son had a separate proprietary holding from his father, in L-71. But in this case the son had taken up the holding of an occupancy tenant who had died after Gokul Kumar's preliminary registration; and the son later received nothing from his father. Among tenants the incidence of a son having a separate holding from his father was only a little less unusual in 1853 than among proprietors. See Section 8.5.



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holding and paid all its dues.<sup>18</sup> In this case *khudkāsht* hid a more complex domestic arrangement. By 1882 the widow had sold her entire rights; the son was not mentioned on the genealogy.

Thus, with the help of Gokul Kumar all four cases are accounted for where one would expect cultivation to be not unqualified *khudkāsht*. This remains true if the sample is extended. In 34 villages in 1853 there were 13 cases where a widow held property on her own, and in 12 of them cultivation was adequately covered: in 5 cases by tenants, in 4 by guardians, in one by a servant ("*khudkāsht ba-zarī'a Z mulāzīm khud*" in L-81), and in two with the help of details provided by Gokul Kumar.<sup>19</sup>

The cases of widows do thus provide a glimpse both into the way registration was effected at the 1853 Settlement and into the variety of domestic arrangements subsumed under the term *khudkāsht*. For a final point concerning sisters' sons the references are more scarce.

The only case where a sister's son is known to have been registered as his mother's brother's tenant in 1853 was in L-60. One field in (15.)'s holding, (1=9) *bīghās* out of (40=8), was registered in the name of his sister's oldest son in (.16). We know about this because by 1882 (.16) had been gifted proprietary rights by (15.) along with his two brothers in [161-2.]. In 1853 (.16) had a household next to that of (15.).

<sup>18</sup> Referred to in footnote 5, page 129 above.

<sup>19</sup> The extended sample included the twenty core villages and L-72, 75, 76, 80, 81, 88, 102, 158, 163 and 174-178. The other case mentioned by Gokul Kumar, besides the one in L-60, concerned an intended adoption in L-175. The adoptee was the son of an owner in a different subdivision of the village from the widow, but did not eventually inherit her rights, which passed to her husband's brother's son (who had his own separate holding in 1853). Gokul Kumar's remark was as follows: "X [the adoptee] has looked after the cultivation for eight years and Y [the widow] has made him her son, like an owner, since she has no brother of her own; after her death he will become the owner" (X 'arṣa 8 bars se sarbarāhī kāsht kartā hai, aur Y ne us ko ba-ṭaur mālik, ba-sabab na hone bhāī apne ke, farzand kar-ke rakhā hai; ba'd us ke wuh mālik hogā).

An indication that the entry "*khudkāsht*" sometimes obscured the presence of sisters' sons comes from L-186. Gokul Kumar registered someone as an occupancy tenant (supposedly of 25 years' standing) within the holding of (26.). A subsequent note stated that the occupancy tenant was a sister's son of the proprietor and "therefore the land has been added to the proprietor's land". In the final 1853 registers there was no mention of the sister's son. But by 1882, (26.) had died issueless, and a note on the genealogy says that before his death he had gifted half of his one "plough" to this same sister's son, the other half reverting to his FBS and FBSS.

Finally there are the cases where a sister's son was gifted rights between 1853 and 1882 but he can be shown to have been resident in the village in 1853 without having been registered at that time as a landholder. There was one case like this in L-55, where the evidence of household composition suggests that the sisters' sons (and donees) of (10.)<sup>b</sup> were already resident in (10.)<sup>b</sup>'s household in 1853. The composition of the household in question was most unusual, (1-3-4-1), especially in view of the fact that the donor later died issueless. More substantial evidence comes from two cases in L-71 within the same *paṭṭī*. There were five families in the *paṭṭī*, each with its own holding in 1853, (1.)-(5.). There was also a shareholding tenant at will on the common holding of the *paṭṭī* in (.6), who was a Rajput unlike the Gujar proprietors. According to the 1882 Genealogy, (3.) was said to have given one third of his rights to his sister; and (4.) was said to have given half to his sister's son, before his own issueless death, the other half reverting to one of the other families in the *paṭṭī*, (1.). One of the proprietary families, (5.), lived in L-67 where it made up a residential compound. All the other members of the *paṭṭī*, including the sister's husband of (3.) and the sister's son of (4.), as well as the tenant (.6), made up a single residential compound in L-71, altogether eight households. (3.) and his sister's husband shared an inner courtyard. The occupation of both the affines was returned in the 1853 census as

agricultural. But cultivation of both (3.) and (4.) was registered only with the bland term *khudkāsht*.

In the next section of this chapter the focus turns to other people who were returned in the 1853 census as agriculturalists, but who were not registered as landholders in their own right nor can they be linked to any of the registered landholding families. The analysis thus turns from the inclusiveness of the term *khudkāsht*, under which a variety of family relations were subsumed, to the exclusiveness or the inadequacy of the official categories of tenant.

### 5.5 Exclusiveness of the official categories of tenant: landless agriculturalists

To recapitulate:

1. Colonization was intense during the first third of the nineteenth century and continued into the second third through individual and group incorporation of newcomers.
2. Most newcomers were incorporated as shareholders of the cultivating community, or as shareholders of one of the constituent corporate units of the village, whatever the official classification of their status by the British.
3. There were few registered cultivators on severalty land in 1853 who were not shareholders, and most of these looked after the cultivation of proprietors who were unable to cultivate the land themselves because of their condition of life.
4. There were, however, other cultivators in a village who were tied into the cultivation of other people's holdings without themselves being registered. The term *khudkāsht* covered a variety of domestic arrangements, particularly where future devolution of rights was anticipated.
5. Holdings carried a fixed amount of revenue. For a person unable to manage cultivation of his holding by himself the established practice (short of abandoning the holding and the village for somewhere else) was to bring in someone — often a sister's son — as partner. The same principle applied

also to larger corporate groups in a village, for the revenue of which the group's members were jointly liable: a newcomer would be allocated a certain share, with or without disturbing the existing shares.

Partnerships not being easily classified in the official terminology the question arises: what proportion of the cultivators of a village was involved in such, as it were, non-domestic arrangements? Were such arrangements merely temporary, or might they, in the fullness of time under a different regime, have led to full shareholding incorporation?

We first establish how many households in a village were classified as agricultural in the 1853 Census and what this meant. The categories used in the Census to describe occupations were stereotype; multiple occupations were usually not registered; the unit of classification was the household, which might contain as many as five adult men. Notwithstanding these limitations a household was classified as agricultural if it possessed a plough or plough oxen. Where a household claimed to be agricultural but possessed no oxen a remark was invariably made in the margin of the Census register that the householder borrowed the necessary equipment, or cultivated jointly with someone, or cultivated through his own exertions. Although these remarks throw considerable light on agrarian relations the total number of cases is still small — 10 or so in the twenty-village core sample, of which 8 were in L-187. Conversely no household was classified as non-agricultural which possessed a plough or plough-oxen.<sup>20</sup>

<sup>20</sup> Enumerators differed in the detail they noted. Here are some examples. In L-43, of a Faqir: "This man cultivates jointly with people of the village by borrowing" (*yih shakhṣ ba-shamūl mardumān-i dīh 'āriyatan khetī kartā hai*). In L-48, of a man whose occupation was returned as "agriculture by borrowing" (*'āriyat kashūkārī*): "His two bullocks are for carting and cannot be used for ploughing" (*nāmburda ke do nar-gā'o bār-bardārī ke haiṅ, qalbarānī meṅ nahīn chal sakte*) — the Banjara villages of L-44, 47, 48, 49 and 62 all contained large numbers of bullocks used only for cartage. In L-101: "He has no ox; his father's elder brother X sows one *kachchā* plough of land [for him] with his own oxen" (*bail nāmburda ke pās koī nahīn hai*;



Enumeration of livestock at the 1853 Census varied somewhat from *pargana* to *pargana*. For *pargana* Sahnewal the column headings distinguished, firstly, working animals from milch or grazing animals (cows, buffaloes, sheep and goats); secondly, the type of work (ploughing, riding and carting); and thirdly, the type of animal (which for ploughing was invariably the ox, *nar-gā'o*). In addition, there was a separate column for the number of ploughs (*hal*), distinguishing between full ploughs and half ploughs (*pukhta* and *khām*). In *pargana* Ludhiana this column was headed slightly differently: "Number of ploughs, together with details of whether they are two-oxen or four-oxen" (*ta'dād-i qalba ba-taṣṛih do-gāwa wa chau-gāwa*). The correspondence between the number of ploughs and the number of plough-oxen, however, varied and the distinction between full and half ploughs seems not to have been uniformly followed. For instance in L-59 there were 13 households with full plough-teams of 4 oxen as well as one household with two half-ploughs, also corresponding to 4 oxen; in L-60 there were no full plough-teams but nine households had 5 oxen, corresponding to 2½ half-ploughs; in L-70 the largest holding was one half-plough of three oxen; and in L-71 the largest holding was one full plough of five oxen.<sup>21</sup> For present purposes the average number of plough-oxen to an agricultural household in the core sample as a

*musammā X, tāyā nāmburda kā, apne bailon se zamīn ba-qadr-i yak hal khām kī bo detā hai*). In L-177, of a household headed by a child, which possessed a plough: "He cultivates by means of labourers" (*.. mazdūrān se*). In L-178: "This man cultivates jointly with his father; the management has not been divided" (*apne bāp ke sāth khetī kartā hai; kārobār-i taqṣīm nahīn huṭ*). [In similar cases different expressions were used for the lack of partition: in L-86, "the equipment has not been divided" (*māl taqṣīm nahīn huṭā hai*); in L-101, "the oxen, etc., are all joint" (*nar-gāwān waḡhaira sab shāmil hai*).] Finally in L-187 (literally): "He cultivates through the expenditure of his own energy" (*ba-kharcha jī* or *ba-kharcha jān*).

<sup>21</sup> My field-notes of livestock and plough holdings were incomplete. I noted only the total number of each type of livestock in a village and the total number of full ploughs, together with details of the maximum holdings. I did not note details for every household.

whole was exactly 2.0, with village averages ranging from 1.1 in L-187 to 2.75 in L-66.<sup>22</sup> In L-187 16 households had two plough-oxen, 58 had one and 8 had none. The case will be considered later in this section.

The formidable array of figures displayed on the following two pages gives a complete breakdown of the households in each village of the core sample in 1853 by registered landholding status and caste. As explained in Section 2.3 a few registered landholders in each village cannot be linked with households of the village. To cover all registered landholders (except *mu'āfidārs*) approximately 57 households would have to be added to the total of 1479 in the whole sample: 35 of proprietors, 2 of occupancy tenants and 20 of tenants at will.

Of the 553 landless households in the sample 155 were returned in the Census as agricultural by occupation; that is, they possessed ploughs and plough-oxen. This figure represents 10.5% of the total number of households, slightly more than the proportion of (linkable) households of registered tenants. Taking this figure into account the overall breakdown of the population in 1853 becomes as follows:

- 50% proprietors,
- 2% resident *mu'āfidārs*,
- 7% registered shareholding tenants,
- 4% registered non-shareholding tenants,
- 10% landless farmers possessing ploughs/plough-oxen,
- 11% tied labourers (landless Chamars and Chuhars, not possessing ploughs and plough-oxen),
- 16% other occupations including specialist services and general labourers.<sup>23</sup>

<sup>22</sup> For the maximal sample the range was from 1.1 in L-187 to 3.5 in L-57, the overall average being 2.1.

<sup>23</sup> In this breakdown I have distinguished Chamars and Chuhars from other landless and capital-less members of the population on the grounds that it was they who were mentioned in the *wājib-ul-arz* of 1853 as having to provide *begār* and *sep*, and in the *wājib-ul-arz* of 1882 as having in some villages to provide a certain number of man-days' labour to the village headmen. The occupational classification of these (cont. on page 214)

Table 5.2a Landholding households by caste, 20-village core sample, 1853

Owner	Total	55	56	59	60	65	66	67	68	69	70	71	180	181	182	183	184	185	186	187	188
GUJAR	180	21	6	-	-	7	-	5	-	-	-	6	-	-	-	67	28	3	-	44	-
RAJPUT	146	-	-	75	1	1	-	-	-	-	-	-	2	22	16	37	-	-	41	12	9
ARAIN	77	-	-	-	100	-	-	-	-	-	-	37	-	-	-	-	26	-	-	-	6
JAT	169	-	-	17	-	-	-	48	47	2	18	-	-	-	-	-	-	-	-	-	-
AWAN	132	-	-	-	-	-	20	-	-	-	-	-	-	-	-	-	-	-	-	-	-
RAWAT	20	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Water-carrier	1	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Blacksmith	3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	3	-	-	-	-
Oil-presser	1	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
FAQIR	13	-	-	-	2	-	-	-	-	-	-	-	-	-	-	-	1	-	-	5	5
CHAMAR	2	-	-	-	-	-	-	-	2	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>744</b>	<b>21</b>	<b>6</b>	<b>92</b>	<b>105</b>	<b>8</b>	<b>20</b>	<b>53</b>	<b>49</b>	<b>2</b>	<b>18</b>	<b>43</b>	<b>2</b>	<b>22</b>	<b>16</b>	<b>104</b>	<b>58</b>	<b>3</b>	<b>41</b>	<b>61</b>	<b>20</b>
Occupancy tenant																					
GUJAR	5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	4	-	-
RAJPUT	42	-	-	1	-	2	-	-	1	-	-	3	-	5	7	16	-	-	4	-	3
ARAIN	25	-	-	2	-	-	-	-	-	-	-	-	10	-	8	4	-	-	1	-	-
JAT	6	-	-	1	1	-	-	-	-	-	-	-	-	-	2	-	1	-	1	-	-
DOGAR	4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
PATHAN	1	-	-	-	-	1	-	-	-	-	-	-	4	-	-	-	-	-	-	-	-
Barber	3	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	2	-	-
Carpenter	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1
SAIYID	4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	-	2	-
FAQIR	3	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	2	-	-
MIRASI	2	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	1	-	-
CHAMAR	3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	3	-	-
<b>Total</b>	<b>99</b>	<b>-</b>	<b>-</b>	<b>4</b>	<b>1</b>	<b>3</b>	<b>-</b>	<b>3</b>	<b>-</b>	<b>-</b>	<b>4</b>	<b>-</b>	<b>19</b>	<b>9</b>	<b>24</b>	<b>6</b>	<b>-</b>	<b>20</b>	<b>-</b>	<b>6</b>	<b>-</b>
Tenant-at-will																					
GUJAR	6	-	1	-	-	-	-	-	-	-	1	-	1	-	-	3	-	-	-	-	-
RAJPUT	6	-	-	-	3	-	-	-	-	-	1	-	1	-	1	-	-	-	-	-	-
ARAIN	8	-	-	1	3	-	-	-	-	-	-	1	-	-	2	-	-	-	1	-	-
JAT	6	-	-	1	1	-	-	-	-	-	3	-	-	-	-	-	1	-	-	-	-
DOGAR	7	-	-	-	-	-	-	-	-	-	-	-	2	-	-	-	-	-	-	-	-
Water-carrier	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4	-	3	-	-
Barber	6	-	-	1	-	1	-	-	-	-	-	-	-	-	2	1	-	-	1	-	-
Carpenter	2	-	-	-	-	-	-	-	-	-	-	-	1	1	-	-	-	-	-	-	-
Cotton-carder	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1
SAIYID	1	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
FAQIR	2	1	-	-	-	1	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-
BRAHMAN	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
BAURIYA	3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	3	-	-
CHAMAR	1	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>52</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>7</b>	<b>2</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>5</b>	<b>1</b>	<b>4</b>	<b>2</b>	<b>9</b>	<b>5</b>	<b>1</b>	<b>3</b>	<b>5</b>	<b>1</b>
Mu'ajidār																					
RAJPUT	2	-	-	-	-	-	-	-	-	-	-	-	-	1	1	-	-	-	-	-	-
ARAIN	4	-	-	1	-	-	-	-	-	-	-	-	1	2	-	-	-	-	-	-	-
AWAN	1	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-
Barber	1	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-
SAIYID	1	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
FAQIR	19	-	1	2	2	2	-	2	-	-	2	1	-	-	1	-	-	-	2	2	2
BHARAI	2	-	-	-	-	-	-	-	-	-	-	-	-	2	-	-	-	-	-	-	-
MIRASI	1	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>31</b>	<b>-</b>	<b>1</b>	<b>3</b>	<b>2</b>	<b>3</b>	<b>-</b>	<b>2</b>	<b>-</b>	<b>-</b>	<b>4</b>	<b>1</b>	<b>2</b>	<b>5</b>	<b>2</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>2</b>	<b>2</b>	<b>2</b>
<b>Tot. landholding</b>	<b>926</b>	<b>22</b>	<b>8</b>	<b>101</b>	<b>110</b>	<b>21</b>	<b>22</b>	<b>55</b>	<b>52</b>	<b>2</b>	<b>23</b>	<b>53</b>	<b>5</b>	<b>50</b>	<b>29</b>	<b>137</b>	<b>69</b>	<b>4</b>	<b>66</b>	<b>68</b>	<b>29</b>
<b>Total landless</b>	<b>553</b>	<b>7</b>	<b>4</b>	<b>50</b>	<b>40</b>	<b>7</b>	<b>7</b>	<b>20</b>	<b>47</b>	<b>1</b>	<b>5</b>	<b>21</b>	<b>14</b>	<b>58</b>	<b>24</b>	<b>80</b>	<b>43</b>	<b>8</b>	<b>51</b>	<b>54</b>	<b>12</b>
<b>Grand total</b>	<b>1479</b>	<b>29</b>	<b>12</b>	<b>151</b>	<b>150</b>	<b>28</b>	<b>29</b>	<b>75</b>	<b>99</b>	<b>3</b>	<b>28</b>	<b>74</b>	<b>19</b>	<b>108</b>	<b>53</b>	<b>217</b>	<b>112</b>	<b>12</b>	<b>117</b>	<b>122</b>	<b>41</b>

Note: 1. Figures have been taken from the household census registers of the 1853 Settlement and grouped by landholding categories after identification with landholders registered in the main 1853 Settlement records. Caste identities are those returned at the Census, although there are occasional discrepancies with the revenue records. E.g. among L-59 proprietors two households of Jats, one of an Awan and one of a Faqir mu'ajidār were all returned as Arains.

Table 5.2b Landless households by caste, 20-village core sample, 1853

	Total	55	56	59	60	65	66	67	68	69	70	71	180	181	182	183	184	185	186	187	188
Occupation "agriculture"																					
GUJAR	30	1	1	-	1	-	-	-	-	-	-	3	-	3	-	7	3	1	1	9	-
RAJPUT	31	-	-	-	1	-	-	-	1	-	-	-	1	6	11	3	-	-	2	3	2
ARAIN	21	-	-	5	-	1	-	-	3	-	-	-	1	4	-	-	4	-	2	1	-
JAT	24	-	-	-	13	-	-	-	-	-	-	4	-	1	-	-	2	-	2	-	1
AWAN	5	-	-	-	-	-	-	3	1	1	-	-	-	-	-	-	-	-	-	-	-
DOGAR	3	-	-	-	-	-	-	-	-	-	-	-	1	2	-	-	-	-	-	-	-
RAWAT	2	-	-	-	-	-	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Water-carrier	9	-	-	-	-	-	-	-	3	-	-	-	1	-	-	-	1	-	1	3	-
Barber	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	1	-
Carpenter	2	-	-	-	-	-	-	-	-	-	-	-	1	-	-	1	-	-	-	-	-
Blacksmith	3	-	-	-	-	-	-	1	-	-	-	-	-	-	-	1	-	1	-	-	-
Cotton-carder	1	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	2	-	-
Weaver	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
SAIYID	4	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
FAQIR	1	-	-	-	-	-	-	3	-	-	-	-	-	-	-	-	-	-	-	1	-
BHARAI	3	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	1	-	-	1	-
MIRASI	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-
BAURIYA	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	-	-
CHAMAR	9	-	-	1	-	-	1	-	2	-	-	-	-	-	-	4	-	-	1	-	-
Total	155	1	1	9	15	2	3	7	11	1	-	7	5	16	11	16	12	3	12	20	3
Other occupations																					
GUJAR	13	1	-	-	-	-	-	-	1	-	-	-	-	2	-	3	4	-	1	-	1
RAJPUT	11	-	-	-	-	1	-	-	-	-	1	-	1	1	-	4	-	-	1	1	-
ARAIN	21	-	-	8	-	1	-	-	2	-	-	-	3	3	-	2	2	-	-	-	-
JAT	15	-	-	1	8	-	-	-	-	-	-	1	-	-	-	-	1	-	4	-	-
AWAN	3	-	-	-	-	-	-	1	2	-	-	-	-	-	-	-	-	-	-	-	-
Water-carrier	24	-	-	4	1	-	-	3	5	-	1	1	-	1	1	4	1	-	-	-	2
Barber	10	-	-	1	1	-	-	1	2	-	-	-	-	2	-	1	1	-	-	-	-
Carpenter	11	-	-	1	2	1	-	1	1	-	-	1	-	-	-	1	-	-	2	1	-
Blacksmith	11	-	-	1	-	-	1	1	-	-	1	1	-	2	-	2	-	-	1	1	-
Goldsmith	8	-	-	1	1	-	-	-	-	-	-	-	-	-	-	1	1	-	2	2	-
Oil-presser	5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	3	-	-	1	1	-
Washerman	8	-	-	-	2	-	-	-	-	-	-	-	-	-	1	3	-	2	-	-	-
Cotton-carder	1	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-
KASHMIRI	4	-	-	2	-	-	-	-	-	-	-	-	-	-	-	1	1	-	-	-	-
Potter	3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	2	-	-	-	-
Weaver	23	-	-	3	-	-	2	-	-	-	1	-	-	1	-	5	2	-	6	2	1
SAIYID	2	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1
FAQIR	12	-	-	-	-	1	-	-	-	-	-	2	-	-	-	4	1	1	-	3	-
BHARAI	4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	2	1
MIRASI	9	-	1	5	-	-	-	-	1	-	-	-	-	-	-	1	-	-	1	-	-
BAURIYA	25	5	-	-	-	-	-	-	-	-	-	-	1	10	-	-	-	4	3	2	-
CHAMAR	134	-	2	11	9	-	1	7	19	-	1	8	3	16	2	8	19	11	-	4	15
CHUHRA	22	-	-	-	-	-	-	-	-	-	-	-	-	2	2	5	2	-	8	2	1
BADDU	2	-	-	1	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-
BRAHMAN	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
KHATRI	11	-	-	-	1	-	-	-	-	-	-	-	-	1	-	3	1	-	2	2	1
SUD	3	-	-	-	-	-	-	1	-	-	-	-	-	-	1	-	-	-	-	-	-
BANIYA	1	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total	398	6	3	41	25	5	4	13	36	-	5	14	9	42	13	64	31	5	39	34	9
Total landless	553	7	4	50	40	7	7	20	47	1	5	21	14	58	24	80	43	8	51	54	12
(Percentage)	37.4	24	33	33	27	25	24	27	47	33	18	28	74	54	45	37	38	67	44	44	29
Grand total	1479	29	12	151	150	28	29	75	99	3	28	74	19	108	53	217	112	12	117	122	41



In terms of caste three quarters of the landless farmers belonged to the predominantly agricultural castes of Rajput, Gujar, Jat, Arain, etc. Some of the so-called service castes had substantial proportions of farmers (registered or unregistered), notably the barbers at 55% (made up of 5% *mu'āfīdārs* [one household], 41% registered tenants and 9% unregistered agriculturalists) and the water-carriers at 41% (made up of 2% proprietors [one household], 17% registered tenants and 22% unregistered agriculturalists).

landless and capital-less Chamars and Chuhras was as follows:

20	Chuhras (5 Muslim): "own occupation" ( <i>pesha khud</i> )
2	.. .. : labouring ( <i>mazdūrī</i> )
28	Chamars: labouring ( <i>mazdūrī</i> )
28	.. .. : labouring + leather ( <i>chamre wa mazdūrī</i> )
8	.. .. : labouring + <i>begārī</i>
20	.. .. : <i>begārī</i> + leather-stitching ( <i>charm-dozī</i> )
34	.. .. : leather ( <i>chamre</i> )
3	.. .. : leather-stitching ( <i>charm-dozī</i> )
9	.. .. : weaving ( <i>parcha-būfī</i> )
4	.. .. : begging ( <i>gadāgiri</i> )

Total 156 households, or 10.6% of the total population.

"General labourers", on the other hand, were those landless households which belonged to castes other than Chamar and Chuhra and whose occupation in 1853 was returned as *mazdūrī* (or *mazdūrī* plus something else). Altogether 131 households in the core sample were returned with occupation *mazdūrī* of which 75 were neither registered landholders nor Chamars/Chuhras. 41 of these 75 belonged to predominantly agricultural castes like Gujar, Rajput and Jat; 11 were water-carriers, 9 were Bauriyas, 3 were barbers and the remainder were in ones and twos belonging to other castes. There were also 11 Bauriyas whose occupation was returned as "leather plus *mazdūrī*" (like all the Chamars in the same two villages, L-180 and 181); and 5 water-carriers, 4 barbers and 2 blacksmiths whose occupations were returned as "*mazdūrī* plus own occupation (*pesha khud*)". Thus 97 households have been taken as "general labourers", or 6.6% of the whole. The remaining 9.8% were of "other occupations".

It should be emphasized that *mazdūrī* was a residual category as well as being a general term for labouring. For instance many households headed by women were returned under the occupation *mazdūrī*, and there were households headed by blind men which were returned similarly. The classification of occupations in the 1853 Household Census was not at all elaborate.

How were farmers tied into agriculture in a village if they had no land registered in their name? The 10% of the population I have called landless farmers were not farm-labourers: they possessed some capital. Yet that seems not to have entitled them to bring any uncultivated land on the village commons under cultivation. The various terms for bringing waste under cultivation (*banjar shigāfī*, *nau-toṛ karnā*, *būṭā-māmā*) implied the acquisition of shareholding rights in a community.<sup>24</sup> Bringing waste under cultivation was presumably therefore a privilege guarded by a village community once it had become established. As a corollary, those plots that were cultivated on the village commons were more often granted to village servants in exchange for their services, a relation of explicit patronage that did not involve any prospect of a share in the joint management of the estate.<sup>25</sup> Were landless farmers only the most recent arrivals

<sup>24</sup> These terms were used fairly frequently in the accounts of village foundations accompanying the 1882 Genealogies. But the terms were already recognized in 1848. In the course of the dispute over proprietary rights in L-81 the term *būṭe-mār* was used to express hereditary rights to land, as follows: "Ibtidā-e ābādī se haft kas maurūṣī sāth fidwī ke ābād haiñ.... 'Adilañ bidūn un haft kasān ke kisī kī zamīn būṭe-mār mauza' hāzā merī nahīñ."

<sup>25</sup> Table 5.3 Landholding status of non-proprietary farmers by caste and household, 20-village core sample, 1853

	shareholding tenants		non-shareholding tenants		landless farmers
	OT	TaW	OT	TaW	
				sev'ty commons	
Jats, Arains etc.	78	8	5	15	116
Chamar & Bauriya	3	-	-	4	11
Service castes	2	1	2	14	19
Faqls etc.	5	1	4	2	9
Brahman	-	1	-	-	-
TOTAL	88	11	11	35	155

This table gives a breakdown by major caste grouping of the households of non-proprietary farmers in the core sample in 1853. The official categories of occupancy tenant and tenant at will have been distinguished by shareholding status, and non-shareholding tenants at will have been distinguished by whether they held plots on severalty allotments or on unpartitioned commons. Landless farmers have also been shown. From the table it emerges that 40% of non-shareholding tenants at will with plots on the commons (14/35) belonged to service castes; in other words service

in a village, who had not yet established strong enough relations with any of the landed families to earn them some land? The example of L-187 presented below shows that one of the landless (and in fact ploughless) farmers of 1853 had held half a "plough" of land in the village in 1839; and the father of another landless farmer, a Faqir, had held land revenue-free in 1842. Furthermore, with the exception of the sisters' sons mentioned in Section 5.4 none of the landless farmers of 1853 were to acquire proprietary rights by 1882. Under the regime established by the British at least, landless farmers were seldom on the road to full membership of a community. Finally, was there something about the composition of households of landless farmers that acted as disability to the acquisition of land? Here too nothing definite can be deduced from the figures. The average size of a landless farmer's household was 3.8 persons in 1853, as opposed to 4.4 for registered landholders, not sufficiently different to tell us very much.

To end this section, a brief analysis will be made of details mentioned in the 1853 Census registers of L-187 concerning cultivating partnerships. This example reveals something of the relations landless farmers had with registered landholders in the village. For most villages of *pargana* Ludhiana the household census of the 1853 Settlement was taken concurrently with measurement of the fields. But for detached villages of the *pargana* and for villages which had been held *mu'āf* the census seems to have been taken somewhat after field-measurements and by different officials. In the case of L-187, when measurement proceedings were inspected by the *tahsildār* in January 1853 he reported that a census of the village had not yet been taken. The census was eventually taken in May 1853 by the same enumerator who had done L-74, 75 and 81 ten months

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castes had a relatively high proportion of tenancies at will on village commons, compared with other occupational groups.

earlier.<sup>26</sup> What makes the 1853 Census of L-187 unusual is that for many households which the enumerator classified as agricultural he made brief notes of other households linked in cultivating partnerships. Where an agricultural household did not possess plough oxen the enumerator sometimes wrote that it cultivated "through its own exertions" or "by the expenditure of its own energy" (*ba-kharcha jī* or *ba-kharcha jān*). Sparse and incomplete as these details are, they provide vital details of the relations landless farmers had with registered landholders.

L-187 had one of the highest proportions of landless farmers in the core sample, at 16% of the population (20 households). Table 5.2b above shows the caste composition of these 20 households: 9 Gujar and 3 Rajput, like most of the proprietors, together with 1 Arain, 3 water-carriers, 1 barber, 1 Faqir, 1 Bharai and 1 Mirasi.

Although the 1853 Census of L-187 was unusual in that the enumerator linked agricultural households to one another in cultivating partnerships, one cannot be sure that he was exhaustive. For instance, (4.) consisted of householder no. (140) together with his elder brother's two sons, of whom one had household no. (142); yet the enumerator did not link households (140) and (142) as partners in cultivation. It is unclear whether this was just an omission on the enumerator's part, or whether (140) did in fact cultivate separate plots from (142) and his brother. A second example will lead into the question of partnerships between landed and landless farmers.

Proprietary holding (10.) of L-187 was held by four Faqirs: two brothers, each a householder (nos. 52 and 57), together with two of their father's father's brother's six sons, also both householders (nos. 51 and 58). One of (58)'s two sons also had a household of his own (no. 62). All these households

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<sup>26</sup> The enumerator concerned, Salig Ram, was presumably employed outside my maximal sample during the intervening period, since his name does not occur in the preparation of any other Settlement papers within the sample. Salig Ram did not make the same correlation of "agricultural" households, between the Census registers and the landholding registers of the Settlement) for L-74, 75 and 81 as he made for L-187.



were classified as agricultural. According to the 1853 Settlement registers, (10.) was cultivated "*khudkāshī*". According to the 1853 Census, however, (52) and (57) were said to cultivate jointly with each other, and (51) to cultivate jointly with (58). This is no more than would be expected. On the other hand, (58)'s son (62) was said to cultivate jointly with (64), a household headed by a Faqir of another family whose father had had a revenue-free holding in 1842 but who in 1853 was landless; and (64) was said to cultivate jointly with one "Kada Khan". There is some doubt who this Kada Khan was, but he was probably the headman of the *pattī* to which (10.) belonged, who was a Rajput of this name holding (12.) jointly with his own FBSS, who also had a household and cultivated jointly with the headman. Moreover there were two other households of Rajput landless farmers which were linked in cultivating partnerships with this headman. Thus, according to the Census, there were two extra sets of cultivating partnerships linked to the headman, in addition to the partnership with his own cosharer in (12.): one of Rajputs, the other of Faqirs; and three of the households were landless.

Whether or not the double partnerships with the headman accurately describe how cultivation of the headman's holding (12.) was organized in 1853, they surely reflect the power relations in the village at the time in a different sense. Headmen commanded more than what was registered in the Settlement record in their names. The composition of the headman's household in 1853 was (3-3-0-0), which was large by the standards of L-187 returns; the composition of his cosharer's household was (1-1-1-1); and their holding was of two "ploughs". It was not a shortage of household labour that led to the cultivating partnerships.

For the other 17 landless households in L-187 the census enumerator's marginal remarks will be summarized. 7 households possessed no plough-oxen and cultivated 'through their own exertions'.<sup>27</sup> Of these, 6 were not linked

with any other household: how they differed from households classified as 'labouring' (*mazdūrī*) is unclear. The seventh belonged to a Gujar who had been both a householder and a registered landholder in 1839 but who had since lost everything. He was said to cultivate in partnership with another landless household which possessed plough-oxen; but the two together were not linked with any registered landholder. The three households of landless water-carriers were linked to each other as partners but not to any landed household; these three households belonged to a father and his two sons, and comprised a single residential compound. Of the remaining six households, only one did not cultivate in partnership with a registered landholder: three were linked both with each other and with a landed household; the other two were linked in separate partnerships. In short, 8 of the 20 landless households were said to cultivate in partnerships with registered landholders.

The details of agricultural partnerships noted by the census enumerator of L-187 in 1853 are insubstantial in themselves but they do add to the cumulative understanding of agrarian relations that has been built up over the last two chapters. 10% of the population of the core sample in 1853 had the wherewithal to cultivate but were not registered landholders. The census enumerator's remarks show that a form of partnership between landless and landed households did exist in 1853, and they suggest some of the dynamics of such partnerships. These relationships will be further explored in the final section of this chapter. The wider implication is also clear: the official grid of classification was designed to hold such partnerships responsible neither to each other nor to the State.

<sup>27</sup> There was an eighth landless and capital-less farmer, a Rajput who shared a proprietary holding (3.) with his young brother and his father's

elder brother's son, who was also a householder. In this case the two households were said to cultivate jointly, even though one cultivated "*ba-kharcha jī*".



**5.6 Unequal partnerships in cultivation, L-59, 1897/98**

For most of this chapter the concern has been with the different kinds of relations between cultivators that were recorded at the 1853 Settlement. Throughout the detailed presentation of evidence I have emphasized that what was recorded has a dual aspect for the social historian. Like a window, framed and gridded, the records looked both outward at the environment and inward to the inner construction of the imperial fortress. It is only by looking through the window both ways that a reconstruction can be attempted of the agricultural system before British rule.

In this last section of the chapter entries in a Record of Rights will be considered that dates from the period when the arm of British rule attained its maximum extent at the turn of the twentieth century. The comparison is intended to throw light on the unequal partnerships discussed in the previous section, not to generate hypotheses about how agrarian relations changed during British rule. The illustration concerns L-59, one of two villages for which I examined records dating from after the 1882 Settlement.

Dating approximately from the 1882 Settlement the four-yearly updated Records of Rights and Mutation Registers (together loosely called *jama'bandī*) were deposited for permanent record in the district Revenue Records Room.<sup>28</sup> The year of commencement of the four-yearly series varied from village to village, depending on the size of the *Paṭwār* circle.<sup>29</sup> The regular series for L-59 began in 1889/90 while that for L-55, which belonged to a different *Paṭwār* circle, began in 1888/89.

<sup>28</sup> Douie (1899:para.284). In fact the regular deposit of updated *jama'bandīs* started only after the passing of the Punjab Land Revenue Act of 1887. Between 1882 and 1887 the deposit of an updated *jama'bandī* was irregular. For both L-55 and L-59 an updated *jama'bandī* for 1882/83 was deposited, but otherwise there was none until the start of the regular series. Incidentally, the 1882/83 *jama'bandī* for L-59 was in Devanagari script whereas from 1887 until the end of British rule the official script was Urdu.

<sup>29</sup> *Paṭwār* circle = circle of villages under a single *paṭwārī*.

For both villages there was a sea-change in the way relationships of cultivation were recorded after 1895. Suddenly there were entries in the record like "*khudkāsh* X with  $\frac{1}{4}$ -partner Y".<sup>30</sup> Coupled with a trend that was already becoming established for cosharers in a proprietary holding to partition *de facto*, rather than *de jure* — in other words, to delay a formal partition while each cosharer managed what amounted to his own separate holding independently of the others; coupled also with the increase of sales and of mortgages (some with shares in commons and some without, just to complicate the picture); the registers of cultivation even for a small village started to become formidably complex. The simple two-column registration introduced 50 years earlier, the first column for the owner, the second for the occupant, became clogged as the second column had to account for all *de facto* changes, even sales.<sup>31</sup> As a measure of this complexity a simple count of the number of proprietary units and units of cultivation for the same village at different points in time is sufficient. For L-59 the progression was from 73 units of ownership and 105 units of cultivation in 1853, to 157 and 235 in 1882, to 271 and 566 in 1909/10, to 311 and 793 in 1944/45. For L-55 the progression was slightly more manageable: 16/17 in 1853, 25/39 in 1882, 45/69 in 1909/10 and 69/195 in 1946/47. Although much of the complexity is involuted, in the sense that vendees, mortgagees, tenants and partners in cultivation were drawn largely from within the community — at least for the two villages in question — the sheer size of the later

<sup>30</sup> A Circular Order from the Financial Commissioner must have initiated the change. I have not located this. At the 1881 Census the suggestion had been made to classify 'joint-cultivators' separately from 'landowners', 'tenants' and 'labourers', but apparently the suggestion was not taken up on that occasion; see Bhattacharya (1983:125), citing Ibbetson (1883 i:382).

<sup>31</sup> If a cosharer sold a piece of land before a formal partition had been made of the holding in which he was cosharer, then the sale was liable to be entered only in the second column. In L-55 there were two families whose holdings remained formally unpartitioned from 1853 to 1947. One of these holdings, (4.) of 1853 and (53.) of 1946/47, contained 18 cultivation holdings in 1946/47, (.128) to (.145) inclusive, of which 5 involved sales from three different sets of cosharers.



registers defies wholesale manipulation or easy mental grasp. The only person who could know what went on both in all the fields of a village and in all the village's records was a *patwārī*.

The word used in post-1895 cultivation registers for partnerships in cultivation was *sānjī*. The only occurrence of this term which I have come across in papers of the 1853 Settlement or earlier is for L-178 as follows. Gokul Kumar wrote of a proprietor (Y) who had no cosharers (his father's brother having a separate holding): "X is his mother's brother and shares half the holding like a partner" (*musammā X māmūn Y kā ba-taur sānjī sharīk-i niṣf kā hai*). X was himself a proprietor in a different subdivision of the village, and according to the 1882 Genealogy was related to Y agnatically at the seventh degree. The interesting point about this remark is that the term *sānjī* was referred to as if it had a known specialized meaning. The term was used in much the same way by Gokul Kumar as I would understand from its usage in the cultivation registers after 1895.<sup>32</sup>

Whenever the term *sānjī* was used in records after 1895 a fraction was given specifying the partner's share. Shares varied from  $\frac{1}{5}$  to  $\frac{1}{2}$  but the most frequent values were  $\frac{1}{2}$  and  $\frac{1}{4}$ .<sup>33</sup> In the margin of the register was written whether the *sānjī* paid his share of the revenue — usually not — and

whether he received his share of chaff as well as of grain — again usually not. Comparison of the registers of 1897/98 and 1893/94 shows that in a few instances someone who was recorded in the earlier register as tenant at will on a half-grain rent became recorded in 1897/98 as the owner's  $\frac{1}{2}$ -*sānjī*. This recalls the case noted for L-65 in 1853 of someone who cultivated jointly with the owner and who was classified as an occupancy tenant although a holding of his own had not yet been separately demarcated within that of the owner.<sup>34</sup>

Occasionally the term *sānjī* was qualified with an additional term. *Sānjī-jī* was the more common and referred to partnerships involving  $\frac{1}{4}$ -share or less.<sup>35</sup> *Sānjī-bail*, on the other hand, was rarer: there were two instances, in papers of the 1909/10 Settlement of L-59, both involving non-reciprocal half-partnerships. In one case the *sānjī-bail* was not an owner; in the other he was an owner who had mortgaged most of his own holding and cultivated the remainder on his own.<sup>36</sup>

I assume that a *sānjī-bail* provided oxen (*bail*) to the partnership while a *sānjī-jī* provided only his own labour. This is suggested both by the 1882 Settlement Officer's remarks on the subject, and by comparison with the Middle

<sup>34</sup> Page 194 above.

<sup>35</sup> I have found the double term *sānjī-jī* only twice in 1882 Settlement papers of villages in my maximal sample. In both cases, one in L-152 the other in L-157, the share of the *sānjī-jī* or *jī-sānjī* was  $\frac{1}{5}$ . Only two uses of the simple term *sānjī* were found in the same papers, both in L-187 involving non-reciprocal  $\frac{1}{2}$ -partnerships between a widow as owner and someone who was not an owner in the village.

<sup>36</sup> There were also two instances of the term *sānjī* qualified by *lānā*. In the first, an Arain and an Awan of L-59 in 1909/10, proprietors of (202.) and (234.) respectively, cultivated their combined holdings jointly, as reciprocal  $\frac{1}{2}$ -partners; and each had a  $\frac{1}{4}$ -*sānjī-jī* "*lānā*", who were in fact brothers (of the oil-presser caste). I do not know what precisely this signified. In the 1882 *wājib-ul-arz* of L-177, payments to some service-castes were made "per *lānā* i.e. two ploughs" (*jī lānā ya'nī do hal*). But this was in a different context. The second instance of "*sānjī-lānā*" was in the *jama'bandī* of L-55 for 1914/15 when it described an equal and reciprocal  $\frac{1}{2}$ - $\frac{1}{2}$  partnership.

<sup>32</sup> Bhattacharya (1983:125) says that the same term *sanjhi/sajji* was applied in central and south-eastern Panjab both to sharecroppers and to those agricultural labourers who received a share of the crop as wage. In the records it is clear that a  $\frac{1}{2}$ -*sānjī* was sometimes registered as an independent tenant, i.e. as a sharecropper paying " $\frac{1}{2}$ -grain" as rent. But I doubt whether this same difficulty of classification occurred at all frequently in the case of a *sānjī* on a  $\frac{1}{4}$ -share or less, for whom the official grid of classification was both too coarse and inappropriate, since the official categories were based on the possession of separate parcels of land rather than, say, on the possession of oxen or on labour. On the other hand the grid of 'agricultural labourer'/'sharecropper' is no less coarse where calculation of the different inputs into agriculture was precise. See also Dilbagh Singh (1979:38) regarding eighteenth century Rajasthan.

<sup>33</sup> Of the 49 *sānjī* relationships recorded in the 1897/98 *jama'bandī* for L-59, 21 were of  $\frac{1}{4}$ , 10 of  $\frac{1}{2}$ , 5 of  $\frac{1}{5}$ , 4 of  $\frac{1}{3}$ , 3 of  $\frac{2}{5}$ , 2 of  $\frac{1}{6}$ , and one each of  $\frac{3}{7}$ ,  $\frac{2}{7}$ ,  $\frac{1}{8}$  and  $\frac{1}{9}$ .

East.<sup>37</sup> The *sānjī-jī* is thus similar to the landless farmer of 1853 who was said to cultivate "*ba-kharcha-jī*"; and the *sānjī-bail* would be similar to those other landless farmers of 1853 who possessed ploughs and plough-oxen. But entries even in post-1895 registers never specified the exact contribution of each cosharer in a relationship, so it must remain conjectural which relationships involved what factors of production. I have found only one remark concerning seed, wherein it was stated that a  $\frac{1}{4}$ -*sānjī* did not have to provide seed.<sup>38</sup> The difference between a *sānjī-jī* and a *sānjī* was explained to me in 1974 by the *Nā'ib Šadr Qānūngo* of Ludhiana, Nirranjan Singh, as the difference between a servant and a partner. Certainly some  $\frac{1}{4}$ -*sānjīs* seemed to be attached to particular owners as if they were personal servants. But firstly many proprietors contracted  $\frac{1}{4}$ -partnerships with other proprietors: of the 21  $\frac{1}{4}$ -partnerships in L-59 in 1897/98, 6 involved landless individuals, 8 involved proprietors, and 7 involved landholders' sons. Secondly *sānjī* partnerships did not as a rule last from one

<sup>37</sup> The following is what the 1882 Settlement Officer of Ludhiana wrote on the subject of agricultural partnerships (Walker 1884:128-9):

If a proprietor does not care to rent his land, he will enter into a partnership with some cultivator (called a "sanjhi"). The "sanjhi" may contribute only his labour, in which case he is called "ji-de-sanjhi"; or he may contribute cattle, when he is called "sanjhi" simply. The share of produce that the sanjhi receives would depend on what he contributes; each man and each beast counting as a unit in the calculation. Thus a proprietor may have three bullocks and the sanjhi one; and they would together make up two ploughs in unirrigated lands. The sanjhi would in this case get two out of six shares in the produce or one-third; and the proprietor would probably pay the revenue and supply the seed etc.: but this is a matter of agreement, and the terms vary a good deal. Sometimes several proprietors club together for the better working of their well land, jointly irrigating the fields of each in turn.

For the Middle East, see Firestone (1975:5-6).

<sup>38</sup> The remark was in the margin of the 1896/97 *jama'bandī* of L-55 concerning [3.]: "The *sānjī* is without chaff and pays a fixed sum of 2 Rupees as revenue; he is also without seed, i.e. no seed is taken from the *sānjī*" (*sānjī bilā nīra hai aur mu'āmila bil-muqta' do rūpayā adā kartā hai; nīz bilā tukhṁ, ya'nī tukhṁ sānjī se nahīn liyā gayā*).

*jama'bandī* to the next, at least during the early part of the series.

In order fully to analyze *sānjī* relationships in a particular year for a particular village one would have to take into account not only all the other relationships entered into by proprietors concerning their land — mortgages, tenancies, exchanges of cultivation (*tabādila-kāshṭ*) and so on — but also how proprietary units were actually managed. This is beyond the scope of the present analysis. It will be enough to give some idea of the proportion of proprietors engaged in *sānjī* relationships, some idea of the variety of relationships involved, and one or two specific examples.

Overall there were 49 *sānjī* relationships recorded in 1897/98 for L-59, involving about 40% of the proprietors. Out of a total of 234 proprietors (including 26 women, but without taking into account how many proprietors had fully mortgaged or leased their land) 42 proprietors were involved in reciprocal partnerships, another 37 engaged unequal partners, and another 13 were engaged as the unequal partners of others. There were also 9 sons of proprietors who were involved in *sānjī* partnerships, 3 of them reciprocal. Those are the bare figures.<sup>39</sup> But the combinations that arose from them were many and various.

For instance, [52.] was held by three Arain brothers and a fourth brother's son. They managed their holding in two separate units, with [52.]<sup>a</sup> on his own. [52.]<sup>b,c,d</sup> had a reciprocal  $\frac{1}{2}$ - $\frac{1}{2}$  partnership with [16.], a single proprietor of a different subdivision of the village, not connected agnatically (the brothers' son [52.]<sup>b</sup> was omitted from this unit of cultivation three times out of eight). The son of [52.]<sup>c</sup> was engaged as the  $\frac{1}{4}$ -*sānjī* of his uncle [52.]<sup>a</sup> on the latter's holding. [52.]<sup>a</sup>'s own two sons, however, were engaged as the  $\frac{1}{4}$ -*sānjīs* of [1.] and [1.]'s father's brother [2.] respectively, again in a different subdivision and not connected

<sup>39</sup> I have taken the easy way out here. Counting proprietors is easier than counting effective units of management because of the complexities alluded to. The point is roughly to indicate what proportion of the landholding population was involved in *sānjī* relationships.



agnatically. Finally [52.]<sup>b</sup> was the  $\frac{1}{4}$ -*sānjī* of [61.], a single proprietor in the same subdivision but of a different clan (*got*); and [61.], with [52.]<sup>b</sup> as his  $\frac{1}{4}$ -*sānjī*, had a reciprocal  $\frac{1}{2}$ - $\frac{1}{2}$  partnership with [37.]<sup>b</sup>, a distant agnate of [52.]<sup>b</sup>. Then [37.]<sup>a</sup> had a reciprocal  $\frac{2}{3}$ - $\frac{1}{3}$  partnership with [135.], pre-1882 Arain vendees in the Awans' subdivision of the village; [37.]<sup>a</sup>'s son had a reciprocal  $\frac{3}{4}$ - $\frac{1}{4}$  partnership with his FFBSS [39.]<sup>a</sup> (reciprocal in the sense that within [37.] there was a separate holding under [37.]<sup>a</sup>'s son, as his father's so-called tenant at will, with [39.]<sup>a</sup> as  $\frac{1}{4}$ -*sānjī*, and this unit cultivated both [39.]<sup>a</sup>'s holding and others); [39.]<sup>b</sup> was the  $\frac{1}{4}$ -*sānjī* of an Awan [127.]<sup>b</sup> whose brother and brother's widow engaged their own  $\frac{1}{4}$ -*sānjī*, the son of an occupancy tenant; and so on. The partnerships went round and round. Within this one case almost all points are illustrated: (1) Sons of proprietors contracted partnerships with proprietors of different families (a unit in which a son cultivated with his father would doubtless have been registered as the father's *khudkāsh*); (2) If a proprietor engaged a *sānjī* on his own holding then that unit cultivated whatever other land was held by the proprietor during that season; (3) Some units of cultivation consisted of different proprietors united in a reciprocal partnership, together with their unequal *sānjīs*; (4) Where reciprocal partners cultivated someone else's land the form of registration varied, sometimes with one partner as tenant at will the other as his *sānjī*, sometimes with both partners as tenants at will on their relevant shares.

A second example had fewer ramifications, since the *sānjīs* were landless. [120.] was held in 1897/98 by the descendants of three Awan brothers in whose names the holding had first been registered in 1853.<sup>40</sup> There had been no partition for fifty years. Cultivation was still supposedly joint. But there were three *sānjīs* attached to different cosharers. The son of the second brother and the son of the third each had a  $\frac{1}{4}$ -*sānjī*, one a water-carrier by caste the other an oil-presser. In addition the whole unit had a  $\frac{1}{4}$ -*sānjī*, a Rajput who paid his share of the revenue unlike

<sup>40</sup> The three brothers held (60.) in 1853. See Map 4.2 facing page 147.

the other *sānjīs*. On the surface these ties might appear long-standing. Although my examination of L-59 *jama'bandīs* did not include those for 1901/02 and 1905/06, the relationships did not all continue to 1909/10 — the brother of the oil-presser (*sānjī* to [120.]<sup>d</sup> in 1897/98) became the tenant at will of the widow of [120.]<sup>a</sup>, but the other *sānjīs* were not in evidence — and none of the three *sānjīs* is identifiable in any guise before 1897/98. This much is inconclusive. But there are contrary cases: another oil-presser, for example, was in 1897/98 the  $\frac{1}{4}$ -*sānjī* of [128.], whereas in 1909/10 he and his brother were  $\frac{1}{4}$ -*sānjī-jī-lānās* in a partnership between an Arain and an Awan, the latter [132.]<sup>a</sup> not [128.].<sup>41</sup> The evidence points more to mutability of *sānjī* partnerships than to the image, say, of family retainers. The pool of the landless was drawn upon by proprietors as their needs arose.

Of the 33 unequal partnerships in 1898/98, 13 were with men who had no land registered in their own names: 1 Rajput, 2 Arains, 4 water-carriers (one a *sānjī* of different proprietors in two separate units of cultivation), 1 barber, 2 oil-pressers, 1 Faqir and 1 Chamar. For 1897/98 there is no other source than the *jama'bandī*, such as a household census, from which one might discover something else about these landless men, for instance whether they possessed plough-oxen.<sup>42</sup> It is also not possible to say what else an unequal partnership entailed, if anything, beyond cultivation. In L-55, for which I examined the continuous series of *jama'bandīs* from 1882 to 1946/47, *sānjī* relationships did not as a rule last from one *jama'bandī* to the next, at least during the earlier period.<sup>43</sup> Besides, three-fifths of unequal

<sup>41</sup> See footnote 36 above.

<sup>42</sup> The continuously updated series of *Lāl Kirābs*, or Village Notebooks, which started concurrently with the *jama'bandīs*, contained only statistical abstracts, never personal details.

<sup>43</sup> In three consecutive *jama'bandīs* of 1896/97, 1900/01 and 1904/5 one *sānjī* partnership was continuous between 1900/01 and 1904/05 out of a total of eleven *sānjī* partnerships in all three years. The *sānjī* concerned, who belonged to L-54 and was a Gujar like the proprietor [8.], was engaged alone in 1900/01 on  $\frac{1}{6}$  share but in 1904/5 shared the  $\frac{1}{3}$  partnership with



partnerships were not with the landless at all. In short, we come back to the idea of temporary associations formed according to need and availability, the size of share based on what each partner contributed to cultivation: a plough, a bullock, seed, a particular skill perhaps. We also come back to our point of initial departure, which was the unequal partnerships mentioned in the 1853 Census register of L-187. Seeing the 1853 partnerships alongside those of 1895 the former appear as negatives to the latter as positives. From the 1853 negatives the possession of plough-oxen by a *sānjī* is highlighted; from the 1897/98 positives the *sānjī*'s measure of right is given greater prominence.

Although the association of recorded entries forty-five years apart is methodologically open to question, the initial question concerned the inadequacy of the grid of official classification which was superimposed upon agricultural relationships at the 1853 Settlement. Some cultivators were left out of the register, not through sloppy registration but because the official grid was of limited design. The 1897/98 *jama'bandī* of L-59 allows a comparative reading of the multiplicity of agricultural relationships behind the same official terminology. Doubtless the additional registration of *sānjī* partnerships in 1897/98 in turn left some relationships out of official account, just as it left unseen the details of organization — who ploughed what field when and with whose help. A grid was still being applied, although of finer mesh. Furthermore it was a grid that was now fully known to those over whom it was fitted — but that is another story.

Methodologically speaking, to attempt to read pre-1848 agricultural practice from post-1848 records of land-ownership and revenue liability is also open to question. But we emerge from this chapter with a clearer idea both of the nature of official distortion at the start of British rule and of what might be called the prevailing mode of agrarian relations. The mode at all levels of agricultural organization

another *sānjī*, also probably of L-54. The partnership did not continue to 1909/10.

was shares, shares based on the capabilities of the different parties, or on what each party contributed to a unit of cultivation, a unit of management, a village subdivision or the whole corporate village community. Under the new rule a rigid frame was placed over all relations. Shares were squeezed: the shares of some cultivators received official recognition while the shares of others were discounted or marginalized. The mode of shareholding was squeezed: the rule was now one piece of land, one property, to be held vertically and inherited lineally. These are the themes of the next chapters when we attempt to reconstruct the idiom of landholding before British rule. Landless farmers and people tied to agriculture by service relations, whether specialized or general, existed in the margins of the official land registers, if at all. From here the focus returns to the core of the cultivating community. But we look behind the official designations to the regular patterns of allotments and the principles which had governed them. This is the starting point for our attempt in Part Two to reconstruct agrarian relations in an alternative idiom.

\* \* \* \* \*

We have now completed the first part of our analysis of the 1853 Settlement of Ludhiana district in terms of the official categories of land registration. A picture of social and agrarian relations has been built up for a selected locality within the district by taking entries in the revenue records of individual villages at their face value and compiling them for the locality, contrasting and mapping them where appropriate. Common elements have been looked at, particularly the system of holding land on shares in allotments, as well as elements that varied. And beyond the recorded entries of landownership and cultivation we have considered relations that were subsumed under the official categories — wives and children, personal dependants or future heirs — as well as relations that were excluded from registration because no separate liability for rent or revenue could be pinned on them, like farmers who had no fields or allotments of their



own but farmed in partnership with those who did. In an earlier chapter we also touched upon those relations which formerly had been subject to village corporate control, particularly religious endowments of land on commons, but which, in the new system of registration where land revenue was tied to landed property, were personalized and given a permanence and independence that put them beyond the reach of the village. Although the analysis has been synchronic a picture has been built up both of the dynamics of agrarian relations at the start of British rule and of the manner in which those relations were fitted into the new grid of official classification.

The grid of official classification concerned individuals rather than groups. Everyone was identified in the records of the first Settlement by his personal name, the name of his father, his clan (*got*), caste (*qaum*) and religion. We are not concerned here with the synthetic view of Indian society in terms of caste, tribe and race that was later constructed from this same scheme of nomenclature by means of the Census. But in passing it may be said that such detailed social classification in the land registers was surely unnecessary for the purpose strictly of identification. Identification for whom? After 1947 the labels of caste, clan and religion were dropped from land registration, in the eastern part of the Panjab at least, while the father's father's name was added. Even before the 1850s, in the records of the 1842 Settlement of *pargana* Ludhiana or in the specimen Settlement papers published in 1847, classification had been less detailed. The finer detail may have been simply a result of official thoroughness or perhaps have originated from a foreign ruler's desire to know local society in its own terms; this is something for further consideration. But the effects of such detailed classification in the basic records of government should not, I think, be underestimated, both in the above sense of enabling a synthetic picture of Indian society to be constructed, having the force of authority, and in a negative sense of disabling fluidity of classification at the local level. As the superintendent of the 1921 Census of the Panjab was

later to remark, "Our land records and official documents have added iron bands to the old rigidity of caste".<sup>44</sup>

In any case, at the time of the first Panjab Settlements in the early 1850s there had been no attempt to recognize any corporate grouping by caste or tribe as units of administration. That was to come later. At the first Settlements it was the village that was to be made the basis of the land revenue system. And the particular aspect of the village that was singled out by the government to be maintained "in all its integrity" was not the so-called *jajmānī* system nor yet the possibility of *panchāyatī rāj* but the system of managing common agricultural resources and common liabilities by shareholding among members of the village community, the village community as a coparcenary. In the second half of this work the analysis therefore focuses on the system of shareholding, on the official understanding of this system, on the means of upholding it through written constitutions and on the way I think that in consequence it was transformed. Whereas the grid of official categories of landholding concerned villagers as individuals, shareholding concerned them as members of corporate groups articulating with the village as a whole. The indigenous system of shareholding already combined individual with corporate liability. Here then was an institution which could readily be adapted to the creation of private property in land without, it was hoped, disturbing the corporate strength of village communities. What was required in the new legal framework was to adjust the balance of powers between corporate and individual: by allowing an individual to sell any part of his holding without regard to its original constitution as a share, while at the same time making that freedom conditional on a preemptive right of purchase by his fellow shareholders; or by limiting the right to partition common land, while making it hard for

<sup>44</sup> *Census of India* 1921, 15(1):343. Of occupational groups the superintendent observed, "These castes have been largely manufactured and almost entirely preserved as separate castes by the British Government.... Government's passion for labels and pigeon-holing has led to the crystallisation of the caste-system, which, except among the aristocratic castes, was really very fluid under indigenous rule."

land once partitioned to be reassembled and the whole to be reallocated afresh. But the system of shareholding practised in the locality of Ludhiana in the decades before British rule already regulated the balance between common and individual resources. An adjustment of this balance might just upset the whole mechanism.

I would in fact argue more than this, that the basis of shareholding was changed. And in order to do this I shall consider the idiom in which shares had been expressed, the idiom of ploughs. In the old system of shareholding a share, expressed in ploughs, had related cultivators to the local conditions of the land. The common resources of a village had been shared out fairly on the basis of what individuals said they could command. But the new system of shareholding, where shares were a mark of ancestral status, did not officially concern the quality of land, which became a technical matter of assessment. The relation to land was inverted. Proprietary rights were awarded on the basis of original occupancy of territory and descent. Land holdings were frozen at the first Settlement in the existing pattern of allotments, but the holders of those allotments were not all awarded the same rights, and the mode of reckoning which had given rise to those allotments was ignored. The new shares might still be expressed in ploughs but these were now never more than an "algebraical symbol". The intention to uphold the indigenous system was no doubt genuine and the impression of continuity valid. To write a separate constitution for every village, supposedly taking into account local variations in custom, was no small measure — indeed it was a remarkable administrative experiment. But in British imperial administration one can never get away from the problem of scale. I would argue that at the first Settlement the need to standardize forms of holding land was incompatible with upholding the original localized principles of shareholding, that the power of a village community to manage its affairs in its own terms was severely curtailed by the very means designed to safeguard it, and that exploring the reasons for this throws interesting light on unspoken assumptions of British rule.

## Part II

### Reconstruction of the village idiom of shareholding



## Chapter 6

### The rule of property and the notion of shares

We talk of estates when we mean villages, and of proprietors when we ought to speak of village communities, and make a jumble between revenue and rent, when the plain intelligible thing to be ascertained is the Government share of the produce.

(Metcalf's Minute of 7th November 1830, in NWP 1872:214.)

The Governor General would wish to uphold Native institutions and practices as far as they are consistent with the distribution of justice to all classes.... With the knowledge now generally prevalent respecting village coparcenaries there is no apprehension that our officers will not exert themselves to maintain these important bodies in all their integrity.

(Governor General's Despatch of 31st March 1849 constituting the Board of Administration for the Panjab, quoted in Tupper 1881 i:2.)

It never can be too often repeated that the great object of our administration of the land revenues of India should be to confirm private property in the soil where we have found it, and to create it, where it does not yet exist.

(Anon. 1852, "The land revenue of Madras", *Calcutta Review* 17(34):327, quoting "a late Governor of Madras". The remark applies equally to the Panjab.)

The conclusion of the previous chapter, that the dominant form of all agrarian relations at the start of British rule in at least one part of the Panjab was partnerships reckoned in shares, may not appear very striking in the light of the Governor-General's orders of 1849 quoted above. But

implicit in the orders, and underlying official knowledge respecting not just village coparcenaries but all other conditions of land tenure, was a commitment to the rule of property. One kind of partnership was to be officially embraced and made the basis of proprietary rights to land, while another kind of partnership was to be ignored because it concerned the exchange of human or animal labour rather than of distinct bits of land. In between were partnerships that did not fit into the former type because of some perceived difference in status or origin, yet were more substantial than labour relations; and these could conveniently be bracketed as tenancies.

In turning the shareholding body of a village into a community of proprietors the initial emphasis was more on land than on shares. The land was measured, holdings were fixed and the revenue was lowered to allow profits from cultivation to accumulate and the land to acquire value. That was the theory. As far as the corporate side of shareholding was concerned, this too would look after itself if the communal privileges and corporate powers of proprietors were written into a legal constitution for each village. The basis of shares as such was not given much consideration. But later, when the government became concerned at how land sales were effecting the composition of communities, the emphasis turned more to shares, in order to give shareholding an extra value on top of the mere owning of land. In effect this meant emphasizing the composition of communities in terms of caste and tribe. By then the original, systemic relation between land and shares had been broken, and what was being promoted was a different kind of shareholding altogether, based on descent rather than on productive capabilities.

The first section of this chapter follows the main stages of this transformation in so far as the village records both reflected the various changes and were instrumental in bringing them about. The second section will then go on from there to look at a particular record of a village, dating from 1848, in which property was still enshrined but the shares of non-proprietors were also acknowledged. This

particular record thus provides an alternative model of how the village coparcenary might have been administered, classified and known under an alternative rule of records.

### 6.1 Shares in common resources or in common descent?

In Chapter Two, developments in land administration in British India during the middle two thirds of the nineteenth century were described in terms of the increasing specification of rights for those who were not personally liable for land revenue. Before Regulation VII of 1822 no field maps were prepared, the registration of tenants was perfunctory and there was little investigation into the title of those who paid the revenue. By the middle of the century Settlements involved complete field surveys, the investigation of all claims to land and full registration of all landholders; but the rights of those who were landless were only partially recorded. Finally, by the 1870s and 1880s when Settlements in the Panjab came up for revision, the records of a village included not only a field map and landholding registers but also a genealogical charter of the rights of proprietors and a legally binding statement of the rights and duties of most non-agricultural castes. The registers of customary law, which were also prepared at the revised Settlements but which were not of the same legal standing as the Records of Rights, contained the answers of representatives of the principal land owning tribes to set questions on the inheritance of non-moveable property.

By implication the village community was understood at the end of the nineteenth century to be composed of: (1) a community of proprietors, bound to each other ideally by ties of descent and guided by customary law; (2) a heterogeneous body of tenants on negotiable contracts subject to statutory civil law; and (3) a mass of village servants identified by caste and bound to the proprietors through locally variable customary obligations which were recorded for each caste in the village *wājib-ul-arz*. Other groups, notably "moneylenders", were not considered to



belong integrally to village communities and their possibly malign influence might have to be guarded against by protective legislation.<sup>1</sup> The classic justification for this legal fragmentation was in terms of social evolution.<sup>2</sup> Where social evolutionism was disclaimed, for instance by Baden-Powell, explanations still tended to be in terms of the historical origins of the discrete castes and tribes which were supposed to make up Indian society, each with its own unchanging customs. By virtue of their tribe proprietors could be linked with the grand tribal migrations of the remote past, Aryan or otherwise, by which much of North India was thought to have been colonized.<sup>3</sup>

<sup>1</sup>For changes in the official attitude towards moneylenders and their relations with village communities, leading up to the Panjab Land Alienation Act of 1900, and the administrative notification of certain tribes as 'agricultural', see Van Den Dungen 1973.

<sup>2</sup>Tupper (1881 i:46):

Since primitive societies consist of groups, not of the comparatively isolated individuals of whom modern nations are composed, it follows that it is not sufficient to legislate for them on principles which presuppose general equality. The theory of utility, strictly interpreted, must be supplemented by the theory of social progress. You must ascertain the level in civilisation at which your tribes, your villages, or your joint-families stand; and the more nearly your proposed rules of law are on a line with that level, the stronger is the presumption that they will suit real needs.

<sup>3</sup>Thus Baden-Powell (1899:119, brackets and emphasis original):

There is one later development of the theory regarding shares (for which Sir H.S. Maine is in no way responsible) which is altogether illusory. It is that the (imagined) common holding has been changed by a serial "evolution" — first a "common" holding, then "regular" (i.e. ancestral) shares, and then "customary" shares, custom having modified the original fractional (ancestral) scheme. This, in most cases, is distinctly and historically inconsistent with fact. The (real) *bhaiachara* or "customary" sharing, as well as the modes of allotment other than the "ancestral" share system, are independent schemes evidently due to a special feeling of equality and membership right among the clan or other group. Nothing can be said in favour of the view that they are decayed forms of the "ancestral" share.

For the kind of evolutionary view to which Baden-Powell objected (although he had written approvingly of the scheme in 1892 ii:674) the following quotation is from an influential official in the Panjab a generation earlier

In the official view, the same developments in land administration were characterized as fitting the rule of property more closely to the conditions of land tenure observed on the ground. Administrative measures were a progressively better fit as the conditions of land tenure became better known. Thus, when the first Regular Settlements under Regulations VII of 1822 and IX of 1833 were establishing the rights of landholders in each locality, the rule of property was adapted to accommodate the kind of corporate shareholding to which Holt Mackenzie had drawn attention in his famous Memorandum of July 1819.<sup>4</sup>

(Prinsep 1865:86):

Generally speaking, the Theory of Tenure may be described as at one time or other coming under one of the following stages:

- I. The Patriarchal;— or Landlord.
- II. The Communal;— or Jointstock.
- III. The Divided;— regulated by ancestral shares.
- IV. The Divided;— regulated by customary shares.
- V. The Accidental;— regulated by possession.

This theory was then illustrated "showing the transition from one stage to another, and the causes which produce it". Regarding the transition from stages III to IV (*ibid.*:87, emphasis original):

As generation succeeds generation, and the country is subject to change of rule, stress of seasons and accidents occur leading to hardship to individual copartners.... In such a state of things it is easy to see how ancestral shares would die out, and customary shares take their place, which would agree with the land actually held by each copartner.

Prinsep was the official most responsible for the form of the Genealogy of Proprietors adopted at Revised Settlements, and he was a driving force behind the move to codify tribal law (see Smith 1985:166,fn.34 and Tupper 1881 i:66-99; also *supra*:158,fn.40). His attempt to give landowners more privileges, and occupancy tenants less, failed with the passing of the first Panjab Tenancy Act in 1868 (see Domin 1977, Hambly 1964 and Panjab 1869). In Prinsep's scheme ancestral shares governed by rules of inheritance were the ideal type while every other form of tenure was "decayed" or accidental. Customary shares thus became a ragbag, residual category, not an "independent scheme" with its own rationale (cf. *supra*:160,fn.43).

<sup>4</sup>"Memorandum regarding the past Settlements of the ceded and conquered provinces, with heads of a plan for the permanent Settlement of those provinces, dated 1st July 1819, by Holt Mackenzie", in Bengal

Settlements were to be made with each village as a whole in what were called *mauza'wārī* Settlements, rather than with individuals directly through either *zamīndārī* Settlements with landlords of large estates, as in Bengal, or ryotwari Settlements with individual cultivators (called ryots, from *ra'īyat* meaning subject), as in Madras. This was to safeguard the "little republics" of village communities, of which society in north-west India was thought at the time to be essentially composed.<sup>5</sup> Instead of dealing with single individuals as payers of revenue, hence as land-owners, the State now dealt with groups of people corporately as owners of all the land within demarcated village boundaries, hence as revenue payers. Dealing with corporate communities, however, was only the more political aspect of the new system. Basic tenets of the rule of property were not conceded. The State reached down, through all intermediate levels of interest, communal as well as individual, to the soil; valued it for revenue; packaged it by villages or estates; and only then awarded it to communities, to be owned jointly or in severalty by their members. Property was in the soil, not in the produce; the territory of a village-estate was all soil, whatever the different produce extracted from it.<sup>6</sup> "Native institutions" should be allowed

Revenue Consultations, 16th September 1820, and printed in NWP (1866:9-192). Appendix E of the Memorandum was a "Translation of queries put to Mehendy Ali Khan, relative to the state of the interior arrangements of the Settlement, with his answers to each in order", an enclosure in a letter from the Resident at Benares, Jonathan Duncan, dated 20th October 1794. One of the tenures described in Appendix E was taken by Baden-Powell as prototypical *bhātīachārā* (1892 i:3 and ii:138,676).

<sup>5</sup> As Dumont noted (1972:356-7, n.74a), the sentence immediately preceding Metcalfe's famous statement, viz. "village communities are little republics", voiced his apprehension that "direct engagements for Revenue [through a ryotwari Settlement] with each separate landholder or cultivator in a village might tend to destroy its constitution". See Metcalfe's Minute of 7th November 1830, in NWP (1872:208-224:218). Earlier in the same Minute Metcalfe had written the sentence heading this chapter.

<sup>6</sup> For indications of how 'property' was conceived in terms of produce, see examples cited by Baden-Powell, like the following from Lyall's 1889

some authority, but this could not be unbridled, uncharted autonomy, and native conceptions of the land were of no account. The land was not measured, classified and assessed in order to uphold native conceptions of land; it was by controlling the idiom in which land was managed that people were ruled. What might seem mere technicalities of the new system — the fixing of boundaries, the absolute measurement of area and the classification of soils — entailed the most radical change in the concept of land, onto which the distinction between tenants and proprietors, or between one class of shareholders in a coparcenary and another, could then be grafted.<sup>7</sup> Why one has to look at field maps to see the contradictions between alternative land systems, and not just comb the official literature of the period, is another matter. That knowledge of field patterns did not become a standard tool of the Settlement Officer poses an interesting epistemological might-have-been.<sup>8</sup>

Settlement Report for Kangra, p.62 (Baden-Powell 1896:215), concerning the way a semi-permanent type of tenant described his position:

My superior, the *wārīs*, is the owner (*mālik*) of the lord's share or first half of the grain (*sat*), and he has the (*thikā*) duty of paying the Raja's revenue; I am owner of the cultivating holder's share (*krat*) or remaining half, as well as of the (*kāshī*) business of cultivation.

In another example cited by Baden-Powell (*ibid.*:213) a Settlement Officer had written, "The basis of the whole society is the grain-heap, in which each constituent rank had its definite interest."

The phrase "owner of the business of cultivation" (*kāshī kā mālik*) was found in the 1848 records of L-188 in connection with the rights of occupancy tenants (*infra*:266, fn.35). A similar sense of the term *mālik* is conveyed by the phrase *qābiṣ aur mālik-i haqq biswādārī* to denote the person in rightful possession of *biswādārī* dues, i.e. the 'proprietor', this phrase occurring in the 1848 records of L-81.

<sup>7</sup> Cf. Neale's (1969) distinction between land-to-rule and land-to-own.

<sup>8</sup> The official literature so thoroughly combed by Baden-Powell consisted largely of second generation Settlement Reports written when contradictions between alternative land systems (relations between land, community and State) were more of academic than administrative interest. Further research is needed on the perceptions of officials in the period before publication of *Directions for Settlement Officers* (1845). That periodic reallocation of land was considered directly contrary to the British system is



Finally, when the rule of property had been established some of its effects on tenure had to be corrected. Private property in land having been created, land having become valuable, what was the status of purchasers of land vis-a-vis village coparcenaries? The question of land sales posed a dilemma for the champions of laissez-faire, lest extensive alienation undermine the integrity of village communities and hence the stability of rural society. Shares took on a new significance in the land registers, even as questions of tenure and the nature of the village community became of general historical interest in the world at large. Firstly, if shares were ideally 'ancestral', based on descent or on relative position in a family tree, they were a mark of social identity rather than of acquired status and should be preserved as far as possible amongst original members of the shareholding body. The strength of communities lay not in contracts of agricultural cooperation but in bonds of family,

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suggested by the following remarks of a Settlement Officer in 1847, concerning a village with sufficient wells to irrigate its whole cultivation (C. Gubbins, "Settlement of pergunnah Kurnaul, zillah Paneeput", in NWP 1852:27-64, para.69):

Here the lands of each Panna [subdivision] were redistributed either every year, or every few years, each holder possessing a different field, with every fresh distribution. As however the continuance of such a custom, would in a great degree render nugatory the present records of settlement, they have now made a permanent division, which is not to be disturbed in future.

On the other hand Thomason, as Lieutenant-Governor of NWP, in a particular case in district Banda, was unperturbed by the contradiction between fixed property in land and periodic redistribution of the revenue demand among the proprietors, merely calling for further information on the case and recommending an especially light assessment:

In the natural course of things as property in land becomes valuable and the people better informed as to their true interests, it is to be expected that individual rights will lose their uncertainty and become more fixed.

See "Note by the Honourable the Lieutenant-Governor regarding the Bhej Barar tenures in Bundlekund", in NWP Revenue Proceedings, 1845, 12 April, no.65, and the resulting report by Rose, "Report on the Bhej Burrar tenures, in zillah Banda", in NWP (1852:72-92).

clan and tribe. A purchaser who belonged to a different caste — "moneylender" — was especially to be feared. Secondly, the holding of a share was more than the simple owning of a piece of land, it carried extra privileges. In an ideal coparcenary the amount of land allotted to each shareholder corresponded exactly with his share; but land that had initially been allotted on shares was now private property which could be sold in bits and pieces. Either (1) the principle of exact correspondence between individual possession and share should be maintained, in which case anyone who bought land would automatically become a shareholder, anyone who sold land would lose a corresponding portion of his share and ancestral membership would cease to have formal significance. Every village tenure would break down to the condition described by the phrase "possession is the sole measure of right".<sup>9</sup> Or (2) a distinction should be maintained between a shareholding proprietor and an owner of nothing more than the land he possessed. The purchase of land did not automatically lead to acceptance in a community and should not therefore involve a transfer of other privileges that membership of the community entailed. If some of these other privileges could not readily be tied to registered items of landed property, there was at least one which could, namely the privilege of holding a share in undivided land or village commons. Accordingly, for any village where possession was not the sole measure of right, it became required to specify whether an acquisition of land included a corresponding share in commons or not, whether the purchaser was a *hiṣṣadār* or simply a *mālik-i qabḍa*, a *mālik ma' hiṣṣa-i shāmīlāt* (with share in commons) or *bilā hiṣṣa-i*

<sup>9</sup> If fractions of shares had been transacted rather than bits of land, as in parts of the Middle East between the Ottoman land reforms of the late nineteenth century and land registration of the British and French mandates in the 1930s, then the correspondence between land and shares would have been maintained, but this would have required a greater degree of village autonomy for the collective management of common resources than was ever envisaged by the British in India. It would have been a different kind of landed property and a different kind of rule. See Mundy (1992a).

*shāmilāt* (without). In this way the member of a shareholding community might sell part of his ancestral land without at the same time alienating all his rights and privileges. The decline of village communities through land sales might not be preventable in the long term but its pace could at least be slowed by giving renewed importance to shares, particularly if restrictions were also put on the sale of land to people not belonging to a notified agricultural tribe.

I am trying here to explain the logic of changes in the practice of land registration between the first Settlement of 1853 and the second, revised Settlement of 1882. I do not know exactly when the category *mālik qabza* was first applied, for annual papers dating from the years between the two Settlements have not survived. It could be argued that the notion of land ownership without a corresponding share in commons was implicit at the first Settlement. As noted in Chapter Three from the sample of villages studied around Ludhiana, the category *mālik qabza* was applied at the second Settlement especially to *mu'āfidārs*, whose landholding status, as opposed to revenue-paying status, had not been made clear in village records of the 1853 Settlement. Like tenants, *mu'āfidārs* had not participated in attestation proceedings of the *wājib-ul-'arṣ* nor had they been entered in the *khewaṭ* register, since a *khewaṭ* was understood at that time as much a unit of revenue liability as of proprietorship. Explicitly the category *mālik qabza* is not to be found in the records of the first Settlement; and this change of detail, in conjunction with other parallel changes, has to be explained.<sup>10</sup> Thus, in parallel, no formal distinction

<sup>10</sup> There was only one *mu'āfidār* of the core sample who held land in 1853 and whose status was not *mālik qabza* in 1882, a Faqir of L-184 whose successors were recorded as tenants at will in 1882 although the land was *mu'āf* in perpetuity. See page 102 above. The landholding status of *mu'āfidārs* may have been made clear in the district *mu'āfi* registers of the 1853 Settlement, as opposed to the village records. But this only highlights the transition — at the time incomplete — of village records as registers of revenue liability to registers of ownership and tenancy.

There is also only one case I know of from the extended sample of villages where someone was registered as a revenue-paying proprietor or

was made at the 1853 Settlement between the way in which the revenue was distributed, the way in which the village commons were to be partitioned or the income from commons divided up, and the way in which demands for *begār* were to be allocated. All were shared in the same way. Yet at the revised Settlement of 1882 these were matters which specifically had to be recorded on the official genealogy in the third section of the proprietors' statement (*bayān-i mālikān*) concerning the present and former modes of paying the revenue (*dastūr wuṣūl-i mu'āmila ba-ayyām-i hākīmān-i salaf wa ba-ayyām-i sarkār*), a sentence often being added to this effect at the end of the main text.<sup>11</sup> And

*khewaṭdār* in 1853 but in 1882 was only a *mālik qabza*. This was a case of three carpenters, (24.)/[128-130.] of L-177, who had bought land from an ancestral Awan owner at some time between 1839 and 1842. Here too, although they were referred to as purchasers in the register ("*X waḡhaira mushṭarī haqqiyat Y bā'i' ba-iwaz 13 rūpaya*"), there was nothing to suggest they did not have a share in the commons. On the contrary, although there was a joint holding (39.) of all proprietors of the subdivision except (24.), it was the following holding (40.) which was called *shāmilāt paṭṭī* in which all proprietors were said to have a share "proportional to their *khewaṭ*" (that is, according to their possession); and the purchased holding was listed alphabetically, between holdings of ancestral Awans, rather than after the *shāmilāt* holdings. At the 1853 Settlement, possession was the only measure of right in L-177, as in all villages of *pargana* Ludhiana. At the 1882 Settlement, however, conventional shares in terms of "ploughs" were restored in L-177 for the purposes of dividing up the commons and distributing liability for labour (*begār*); and the carpenters were recorded without a "plough" measure, as *mālikān qabza*. This is not to say that a distinction of status might not have been recognized within the village in 1853, but that no official distinction had been made in the records, nor had the category *mālik qabza* been applied.

For the restoration of shares in terms of ploughs at the 1882 Settlement, see Walker (1884:80). See also page 183 above, footnote 65, for the example of L-176 where shares in ploughs were recorded in 1839 but then not again until 1882; at the intervening Settlements of 1842 and 1853, however, the relative areas of individual holdings corresponded exactly with those same shares in ploughs. Land and share were made to correspond exactly even if shares were not recorded.

<sup>11</sup> Douie 1899: Appendix VIII. The wording on the 1882 genealogies was usually as follows: "*aur jo ḥiṣaṣ ba-khāna-i paimāna-i haqqiyat darj haii*



it became common for the revenue to be distributed on one basis such as soil rates, applied to the holdings of *ḥiṣṣadār* and *mālīk qabṣa* alike, while shares in commons were reckoned in ploughs. The holding of a share was thus distinguished from, and additional to, the mere owning of land.

Part of the explanation is of course that the records of the second Settlement were prepared thirty years after the first, when more information had been collated from all parts of the Panjab, when a judicial structure had been established and when inconsistencies or vagueness in the earlier records had become apparent. What else was a bureaucracy for? Not everything had been thought out in advance. But if the object is to observe how the creation of private property in

*wuh ḥiṣṣaṣ wāṣṭe adā-e bāchh-i begār* [or *wāṣṭe bāchh-i begār-i mauza*] *wa taqṣīm-i shāmīlāt ke haiṇ.*" *Begār* here refers, I think, to demands of labour from a village by the State rather than to demands of labour within a village by proprietors from Chamars; and this parallels the explanation occasionally found in the same 1882 accounts for the initial allotment of land in a village in terms of disputes over cultivation and *begār*: "*jab aulād-i mālīkān ne aur taraqqī pakarī aur bā-ham taraddud-i arāzī wa kār-i begār-i ḥākīm-i waqt takrūr hone lagā....*" (for L-186, cited on page 142). What prompted the reference to these demands by the State is not however clear. Were the great Public Works of the late nineteenth century constructed by such means? In the 1882 *wājib-ul-arz* of some villages (clause 16, according to rules framed under the Punjab Land Revenue Act of 1871, see Tupper I:137-141) there was also a reference to liability of tenants, alongside proprietors, to *begār*; and in some of these the liability was calculated on ploughs (*halsārī*) even where shares had never been recorded for tenants. Thus, for occupancy tenants in L-188 (regardless of whether they had once been shareholders — see Section 6.2 below): "*jo bāchh-i begār kī hoī hai us kā ḥiṣṣa ham-rāh mālīkān ke muzārī'an maurūṣī dete haiṇ*"; for occupancy tenants in L-76 (whose shares had been recorded by Gokul Kumar): "*kār-i begār hasb-i ḥiṣṣaṣ halsārī shāmīl mālīkān ke dete haiṇ*"; for occupancy tenants in L-158 (where shares were never recorded but tenants held regular allotments): "*kār-i begār ham-rāh mālīkān ke dete haiṇ*"; and for occupancy tenants in L-177 (where the shares of proprietors had only been recorded before 1882 at the 1839 Summary Settlement and where tenants did not, I am sure, hold regular allotments): "*jo maurūṣī shāmīlāt dīh meṇ haiṇ wuh kār-i begār meṇ barābar ḥiṣṣa ba-mūjib halsārī ke dete haiṇ.*" For the use of ploughs to calculate the measure of right and liability in villages where no regular allotment of land had ever been made, see Section 7.3 below.

land fitted with upholding the institution of shareholding, then one has to be more sensitive to changes in the form of land registration, for this represented official understanding and was a means of effecting change on the ground.

It could also be said, what else had shareholding been about in the first place? There had always been cultivators among the residents of a village who had not belonged to a shareholding group. But consider the transformation in stages. In the first place not all shareholders — not all those who held land on shares in allotments — had been awarded proprietary rights at the first Settlement. Secondly, no proper distinction had been made at the first Settlement between shareholding proprietors and non-shareholding proprietors. Those who were awarded proprietary rights and who paid revenue formed the coparcenary, so far as the records were concerned.<sup>12</sup> Effectively, that is, the share followed the land at the first Settlement; the holding of a share in the commons was a consequence of owning land and paying revenue. If then at the second Settlement, the distinction was made explicit between owning land without any communal privileges and owning land with those privileges, then this only signified that the transformation of shareholding had been complete. First non-proprietary shareholders had been excluded, then when the volume of land sales had started to rise, non-shareholding proprietors.

<sup>12</sup> In many villages, where no special terms for shares were recorded, a proprietor's share had been calculated from the proportion of land in his possession out of the total amount of land held in severalty. Here the coparcenary could be said to have been an artificial creation of the *mauza'wārī* Settlement, where the village was taken as administrative unit and the village proprietors as a body were made both the joint owners of all undivided land and jointly liable for all the revenue. In many other villages the preferred way of distributing the revenue amongst the cultivators at the 1853 Settlement had been on the same principle of proportionate area, even where shares expressed in ploughs had previously been recorded by Gokul Kumar or in the Settlements of 1839 or 1842. Here the expression of shares in ploughs often had to be revived at the 1882 Settlement when it became correct to distinguish between the way the revenue was divided and the way commons were held.

Stated succinctly, in the ideal coparcenary the land followed the share; shareholding entailed collective liability and a say in the management of common resources, including an individual allotment for cultivation. In the initial stage of transformation, when the boundaries of allotments were fixed and each plot of land became independently negotiable private property, shares followed the ownership of land. If a special term for shares was used in the apportionment of revenue then it was registered, but this did not signify anything more than if no such term existed. Finally, however, when private property had taken root and the volume of land sales was causing official concern, terms for shares were revived in order to underline the difference between merely owning land and being a member of a community with privileges concerning commons and the management of village affairs. But now land and share did not have to correspond; neither did the land follow shares nor did shares follow the land. It was a different kind of shareholding, based not on the land but on membership in an ancestral community, formed ideally through descent.

Shares were thus revived in the village records as the "measure of right" (*paimāna-e haqqīyat*) in a village estate. There were many villages of Ludhiana where special terms for shares were not in official use at the 1853 Settlement but were restored in 1882. But under the rule of property the meaning and use of shares had been transformed. In 1882 shares applied only to proprietors, marking full members of a village community from *mālikān qabza*.<sup>13</sup> Where special

terms for shares were not used for distributing the revenue demand they might still be recorded for use in the division of other common assets or liabilities. But at the Settlement of 1853, when the category *mālik qabza* did not exist (the relevant distinction instead being revenue-liable/revenue-exempt), shares were recorded only if they were used for distributing the revenue demand: other assets and liabilities were divided by the same method as the revenue. Shares were of technical and local use, not yet tied to theories of social evolution.<sup>14</sup> And because terms for shares were a

prietors (the total number of shares thus remaining the same).

There was also one sub-division of a village (L-62) in which 3 "ploughs" out of 12 continued in 1882 to be held in a common holding and cultivated by occupancy tenants, without any explanation. I did not look at the *wājib-ul-arz* of the village and cannot be sure of the details. But it is possible that in some villages subject to the direct action of the river the share of a common holding (not explicitly of tenancies within that holding) was retained to regulate the annual readjustment of cultivation. This would make the case of L-62 similar to that of L-74 (but with the absence of tenants), where also "annual inspections and adjustments of area are made on the basis of ploughs" (*sāl ba-sāl girdāwarī ho-kar kam-o-besh-i raqba ko mālikān ba-mūjib halsārī pūrā kar lete hain*). Outside the two main divisions of L-74, and apart from *mālikān qabza*, a barber owned one "plough" of land. The account of the 1882 Genealogy is explicit that neither the *mālikān qabza* nor the barber had a share in the village commons ("aur X wa Y ko arāzī qabza, aur Z hajjām ko ek hal kī zamīn, bilā ḥiṣṣa shāmilāt, mālikān kull dīh se qābīz hai"). I can only think that the barber's share applied to annual readjustments on account of river action but to nothing else. See Walker (1885:87) quoted on page 45, footnote 16 above.

<sup>14</sup> The earliest published Settlement Reports gave details of the number of villages held on the various types of shares, but there was no grand competitive speculation amongst Settlement Officers concerning which was the most original or ideal. See for instance M.R. Gubbins ("Pergunnah Rohtac Berce", in NWP 1846 i:49-72, para.41), where the following ways of distributing the revenue were tabulated:

By a rate upon the *biswā* shares,  
On the cultivated land according to the *khasra*,  
On the cultivated land according to a private measurement,  
On the ploughs,  
By *chaubāchha*,  
On the yearly measurement of cultivation.

<sup>13</sup> There were four villages in the maximum sample whose historical accounts at the 1882 Settlement mentioned tenants' former shares, L-42, 80, 184 and 188. In L-42 the tenant had since been made a proprietor; in L-80 the tenancy had lapsed and the share been divided between the proprietors; and in L-184 and L-188 although the tenancies still existed their shares had simply been abolished. For the account concerning L-188 see Section 6.2 below. In other villages where shares were recorded against tenancies in 1853 (most frequently by Gokul Kumar) either the tenants' shares were ignored in 1882 records (the total number of shares in the village being therefore that much less) or they were absorbed into the shares of pro-



mere convention or technicality there was no bar to their being recorded against tenancies, if this was relevant to the distribution of revenue rather than to rights. At the start of Settlement proceedings indeed, before field measurements had enabled revenue to be distributed by rates on the surveyed area under individual possession, conventional shares had been the standard way by which the division of liability was expressed, applying to proprietors and tenants alike. But "ploughs" were more than just a measure of area, as Chapter 7 will relate.

These multiple shifts of emphasis amounted over time to a complete change in the meaning and use of shares. From an idiom by which cultivators expressed their relation to the land, relations to each other and their common relation to the State, shares acquired a significance and value of their own, additional to land-ownership though not independent from it, the badge of true, ancestral members of village communities, in whom all communal privileges regarding the land and the village should continue to be vested; and the basis of shares took on an absolute quality determined by the true, tribal composition of communities.

In the kind of coparcenaries prevalent throughout the locality before British rule, shares had been based on productive capabilities. A person took a share in cultivation according to his resources, in the form of an allotment of uniformly productive land; this entitled him to a corresponding share in the use and produce of uncultivated waste surrounding the village, as well as a share in any other common profits from the management of village affairs; and he contributed to any common demands of the state or expenses of the village accordingly. The system of

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Note that "ancestral shares" was not yet an obligatory category and that "private measurement" (whatever that meant) was not disallowed. For an explanation of *chaubāchha* see the following para. 42 and Fortescue (1820:para.106). Prinsep's corresponding tabulation had three major headings ("Ancestral shares", "Customary modes" and "Possession") of which the second had five subheadings (including ploughs) and the third three (Prinsep 1865:91).

shareholding had balanced resources against demands, whatever the origins of shareholders. The demands of the land, the community and the State had been expressed in a single idiom of ploughs; and the shares were visible in concrete shape in the lay-out of cultivation. Go to any field and the coparcenary could be seen reflected in the allotment of strips: each member's share was proportional to the width of his strip, relative to those of his neighbours; the major and minor subdivisions of the village were reproduced in the major and minor divisions of the field.

Under the rule of property, however, land and community were viewed separately. Land was viewed, as it were, — land was surveyed — from the boundaries of a village in absolute measures inwards, and then from the soil upwards in terms of its productive capacity, hence its assessed value. The community, on the other hand, was defined from the point of view of the Collector: outwards from the headmen (those who had negotiated the village's revenue payments with the local collector or *taḥṣīldār*), in terms primarily of consanguinity and common origins, until bounds were reached which could be agreed upon in open court. The coparcenary was not defined by projecting backwards from the allotments. The survey was a technical matter of measurement, not even requiring the Settlement Officer's immediate supervision.<sup>15</sup> Although uncultivated waste was made the joint property of the proprietors collectively, not all allotments were necessarily made the private property of those who worked them. Rights to property were not

<sup>15</sup> Measurement proceedings of the 1853 Settlement were supervised by the Extra Assistant Settlement Officers, the Settlement Officer himself only checking that the area of a village measured by the "native" *khasra* survey did not differ substantially from its area according to the independent "scientific" survey. The latter, to a scale of 4 inches to the mile, had been completed in 1848, and was an external survey of village boundaries and principal topographical features. The 4-inch map of each village is the first item of a village's statistics contained in the Abstract Village Notebooks of the 1882 Settlement, which are preserved in the Revenue Records Room of Ludhiana district. For a recent account of the Trigonometric Survey of India and of its role in projecting the values of modern, Western science, see Edney 1990.

determined on the basis of field-patterns, for these were never studied. In many villages, as we saw in Chapter 4, there were allotments held by people not admitted to the proprietary community, which could only be registered as the joint or individual property of those who were.

The issue is more important than simply a lack of correspondence between the alternative representations of a shareholding community by field map and by genealogy. In so far as the pattern of allotments on the ground represented the community to itself, translation of the pattern onto paper distorted to an extent required by the rule of property, where boundaries became more or less permanent. But reduction of field patterns to paper lay at the heart of the new idiom of the records, the new works of reference which could only be consulted individually, serially and according to official procedures laid down by the Government: the venue for settling points of information, and of dispute, was transferred from the open fields to the closed courtroom. Linking people through genealogies, moreover, did more than lend permanence to social boundaries — boundaries between the subdivisions of a village (*patṭīs* and *tholas*), between one set of agnates and another, or between those with a genealogy and those without (proprietors and non-proprietors). Tracing descent from supposed village founders, as a charter of existing proprietors' rights, inevitably pitted formal rules of inheritance against the fact of existing shares. Whatever the principle behind a past allocation of shares, their future devolution had to obey formal rules of inheritance. Inevitably therefore customs of agricultural organization became ancillary to the bonds of family, clan and tribe. Inevitably ancestral shares became the standard.

Again, it is not that there were no communities in which shares had not descended regularly through inheritance to the existing generation — custom *is* pitted against law in agricultural communities — but that this was taken as the ideal type. As the Settlement Officer of Ludhiana wrote in his report of 1885, "The purest form of the village community is that in which the proprietors are, or keep up

the fiction of being, descended from a common ancestor;" but he had to add immediately, "Of this type there are only a few villages in the district."<sup>16</sup> Baden-Powell is the foremost authority on systems of land tenure in British India. But try as he did to maintain that "'Customary' sharing, as well as the modes of allotment other than the 'ancestral' share system," were "independent schemes", Baden-Powell had in the same breath to add "evidently due to a special feeling of equality and membership right among the clan or other group."<sup>17</sup> Ultimately, whatever were the conditions of the land they were classified and known by the name of the clan or tribe which made up the land-owning community. To end this section where it began, the following is what Baden-Powell wrote of tenures in general and of equally-valuated allotments in particular:<sup>18</sup>

Long after the Aryan kingdoms had been founded, other tribes ... from time to time followed the steps of the first invaders, and established themselves sometimes as rulers, sometimes as colonists, in Upper India.... It is not surprising, then, what with Rajput clans, Jats, Gujars, and other more or less closely connected races, all of whom had pretensions to superiority, and many of whom had the most complete tribal organisation, there should be varieties of joint-villages, whether tribal, 'democratic', or held by the joint descendants of 'aristocratic' founders, as the prevailing tenure from the Indus to Benares.... The internal constitution of the Jat and other tribal villages is, in fact, very much the same as that of the Rajput. But I am inclined to believe that the true *bhaiachara*, or method of equally-valuated holdings, is a Jat, or at least not a Rajput, principle.

## 6.2 Shareholding tenants and the 1848 constitution of L-188

If under the rule of property shares became restricted to proprietors, then the class most obviously affected by the change would be those shareholding cultivators who were

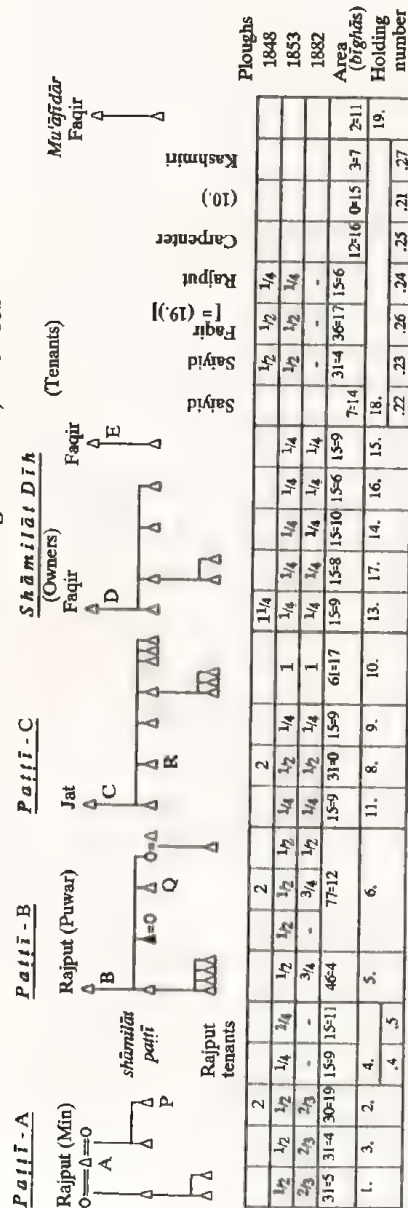
<sup>16</sup> Walker (1884:79).

<sup>17</sup> See footnote 3 on page 238 above.

<sup>18</sup> Baden-Powell (1896:216).



**Figure 6.1 L-188, official shareholding structure, 1848-1882**



Note: 1. In *paif* B, the widow was not legally in possession of her land in 1853 (*ḡair qāḡiẓa*), which was divided between (5.) and (6.) who looked after her; hence the areas of (5.) and (6.) corresponded to an extra  $\frac{1}{4}$  share each, or  $\frac{3}{4}$  and  $1\frac{1}{4}$  respectively, although her share of  $\frac{1}{2}$  was still under her own name.

2. The areas of (a) and (b) corresponded to an extra  $\frac{1}{4}$  share each, or  $\frac{1}{4}$  and  $1\frac{1}{4}$  respectively, although her share of  $\frac{1}{2}$  was still under her own name. In 1857, after the fields had been measured and the khazra and khatauni prepared, there was a minor adjustment of fields (karni-behri) whose area holdings, the result of which was to bring the areas of holdings into almost exact correspondence with shares. The exception is (26) whose area corresponded to more than his  $\frac{1}{2}$  share for some reason, having gained in the readjustment by (5=11) bighās while (2=11) bighās were separated off to form his rai'at holding (19). No explanation was recorded for these readjustments, the details of which were tabulated in red at the front of the khatauni and assigned by Mahab Singh, the Extra Assistant Settlement Officer.

3. Apart from the cultivated holdings in the *shimriti* *afit*, which were held individually and which are tabulated above, there were three general holdings assigned by *manuato* singu, the Extra Assistant Settlement Officer, containing the three classes of uncultivated land ("land newly thrown out of cultivation", *jaufid*, old cultivable waste, *qadim*, and uncultivable, *ghair numbin*), in a combined area of some (113=4) *biglāz* of which about (71=14) was cultivable. The total area of the village in 1853 was (574=6) *biglāz* of which (134=8) was uncultivated: (3=14) *jaufid*, (87=8) *qadim* and (43=6) *ghair numbin*.

4. A comparison of the 1848 and 1853 field maps shows that over 200 *bighas* immediately south of the village site were allotted during this period. The greater part of this land, 154 *bighas*, had been registered in 1846 in a single cultivated field under the joint occupancy of the three headmen; three fields of 40 *bighas* had been held by (22) and (23) together, and another two fields of 40 *bighas* had been uncultivated. In the reallocation all shareholders participated, tenants as well as proprietors, some land remained uncultivated and the non-shareholding tenants (25) and (27) were also allotted fields.

awarded only rights of tenancy at the Regular Settlement. The present section looks at one village of the core sample, L-188, to see how the different classes of cultivators were registered in the various Settlement papers between 1848 and 1882. The village lay in *pargana* Ludhiana and remained *mu'āf* to Bhai Bahadur Singh of Bagrian until the latter's death in 1847.<sup>19</sup> As with other lapsed revenue assignments in the *pargana* (such as L-79 and L-81) Settlement proceedings were initiated under the terms of the 1842 Settlement but were overtaken by the Regular Settlement of the whole district. Apart from the usual 1853 Settlement records, therefore, papers of the earlier uncompleted Settlement dating from 1848 are also preserved. These earlier Settlement papers were prepared under the direct supervision of W.H. Larkins, who was otherwise engaged in the Summary Settlement of the whole district. In provisions regarding shareholding tenants in particular the 1848 papers show striking contrast to those of the 1853 Settlement.

### 6.2.1 The shares of tenants in 1853 and 1882

There were three main *paṭṭīs* in L-188 which were held in severalty by three different families: two of Rajputs, of which the second included a sister's son, and one of Jats. There was also a fourth group of proprietors, "subordinate to all three *paṭṭīs*" (*mā-taḥt har si paṭṭī*) according to the 1882 Genealogy, which was held by Faqirs who were awarded proprietary rights only in 1854, having previously been registered as occupancy tenants of the village.<sup>20</sup> Apart from the proprietors, the first Rajput *paṭṭī* had its own common holding (*shāmīlāt paṭṭī*) which was divided into two occupancy tenancies, (.4) and (.5) in 1853, cultivated by

<sup>19</sup> See Map 3.2, page 90 above.

<sup>20</sup> On Gokul Kumar's preliminary register of 1851, the Settlement Officer's order of 6.vii.1854 was cited referring to a file of the civil courts (*miṣṭ dīwānī*), which presumably would be preserved in the Judicial Records Room of the district. The reasons for the award were not recorded in the revenue papers.

more Rajputs. In a common holding of the village there were also seven tenancies, (.21) to (.27), of which all but (.27) were occupancy tenancies: (.21) was held by one of the Jat proprietors (a small plot next to the village site); the others were held by, respectively, a Saiyid, another Saiyid, a Rajput, a carpenter, a Faqir and a Kashmiri cotton-carder. The Faqir of (.26) also held a revenue-free plot (19.) as *mu'āfīdār/mālik qabẓa*.

Figure 6.1 summarizes how shares were allocated in the village according to three different registers: a register of the 1848 Settlement, Gokul Kumar's preliminary register of the 1853 Settlement and the 1882 Genealogy of Proprietors. The point to observe is how the shares of (.4) and (.5), on the one hand, and (.23), (.24) and (.26) on the other, were eliminated.

Gokul Kumar recorded a "plough" measure against each of the above five tenancies individually in the column headed "amount of land" (*ta'dād-i zamīn*); and in the column headed "rent" (*zar-i lagtī*) the corresponding revenue liability.<sup>21</sup> According to Gokul Kumar, liability was distributed over the  $8\frac{1}{2}$  full "ploughs" in the village ("*madār dhār-bāchh kā halsārī par hai, aur sab  $8\frac{1}{2}$  hal pukhta is gānw meñ muqarrar haiñ*"). (.22) was initially recorded as joint with (.23), but a subsequent note mentioned that the holdings were separate, without however specifying the measure of each. The amount of land under (.25) was given as 34 *kachchā bīghās* and his rent as  $\frac{1}{3}$  of the harvest (" *$\frac{1}{3}$  batātī*"); he was not a shareholder. (.21) and (.27) were not given by Gokul Kumar.

The final *khewat* register of the 1853 Settlement contained a column headed "size of share according to the customary rate of the village" (*ta'dād-i ḥiṣṣa ḥasb-i sharḥ murawwaja dīh*). The share determined the amount of revenue payable on each proprietary holding (*khewat*), at the rate of

<sup>21</sup> These were the column headings in Gokul Kumar's register of tenants. The corresponding column headings in the preliminary *khewat* register were "*ta'dād-i ḥiṣṣa ba-qaid-i dastūr murawwaja dīh*" and "*ta'dād-i jama' az-rū-e bandobast mujāriya ḥāl*".

Rs.41/4/8 per "plough" of (61=8) *bīghās*.<sup>22</sup> (.23), (.24) and (.26) were grouped in a common holding of the village, against which was recorded a share of  $1\frac{1}{4}$  "ploughs" and a revenue liability of Rs.51/8/1 (roughly  $1\frac{1}{4}/8\frac{1}{2}$  times Rs.351, the total revenue demand of the village). In the Tenancy Register this sum was broken down into what (.23), (.24) and (.26) paid individually as rent: Rs.20/9/8, 10/4/10 and 20/9/7 respectively, on areas of (31=4), (15=6) and (30=17) *bīghās*. That is to say, these tenancies were reckoned individually at  $\frac{1}{2}$ ,  $\frac{1}{4}$  and  $\frac{1}{2}$  "ploughs" for calculating the allocation of revenue, even if there was no column for shares in the Tenancy Register nor officially were they accorded individual shares anywhere else in the final records. The treatment of (.4) and (.5) was similar: together they made up a *khewat* of  $\frac{1}{2}$  "plough", and as rent each paid a sum equivalent to  $\frac{1}{4}$  "plough" of revenue. But officially no individual tenancy could be accorded a "plough" measure; it was only the joint proprietary holdings which contained the tenancies that could be measured in "ploughs".

The logic behind this sleight of hand is clear: on the one hand, to use "ploughs" as a convention for allocating revenue; on the other hand, not to admit that the "ploughs" of tenants connoted any rights. As far as the joint management of village affairs was concerned, only proprietors (*khewatdārs*) had any rights; the "ploughs" of tenancies — or rather, of the joint proprietary holdings which contained the tenancies — were irrelevant. Thus, shares to the joint proprietary holding which contained (.23), (.24) and (.26), in other words to the village commons (*shāmīlāt dīh*), could only be calculated in "ploughs" if its own measure of  $1\frac{1}{4}$  "ploughs" was excluded. Instead of "ploughs", therefore, shares to village commons were put in terms of the relative proportions of the individually held *khewats*.<sup>23</sup> There were

<sup>22</sup> The rate varied slightly between the *paṭṭīs*, according to the *wājib-ul-arz*. Rs.41/4/8 here means 41 rupees, 4 annas and 8 pie, there being 12 pie to the anna and 16 annas to the rupee.

<sup>23</sup> The wording of the common holding made up of (.23), (.24) and (.26) was as follows: "*shāmīlāt dīh, ki sab ko ḥasb-i ḥiṣṣa-i khewat ḥiṣṣa hai, ba-*



thus two systems of shares in the village, or two village coparcenaries, an unofficial one based on "ploughs" and the official one based on *khewats*. Dalhousie may have wanted village coparcenaries to be maintained "in all their integrity", but the coparcenaries concerned had to consist of proprietors.

L-188 is one of the few villages where the contradiction between shares as a measure of right and shares as a convention for distributing the revenue over individual holdings was still evident in the papers of the 1882 Settlement. The revenue was still distributed on "ploughs"; and according to Clause 1 of the *wājib-ul-'arṣ* there were still, for this purpose,  $8\frac{1}{2}$  "ploughs" in the village.<sup>24</sup> As in 1853, the proprietors were jointly liable to the State for the revenue on the occupancy tenants'  $1\frac{1}{4}$  "ploughs", while the occupancy tenants were individually liable to the proprietors for the rent on each of their holdings, the rent being calculated at the same "plough" rate as the revenue without the individual tenancies being officially assigned a "plough" measure. But the account of the 1882 Genealogy is explicit that the tenants'  $1\frac{1}{4}$  "ploughs" had been eliminated as a measure of right and that there were now only  $7\frac{1}{4}$  "ploughs" in the village, "since the tenants no longer had a share in the

*kāshṭ X wa Y wa Z muzārī'ān maurūṣī.*" The wording of the second common village holding, which was made up of the other tenancies plus the uncultivated waste and which had neither share nor revenue allocation, was "*shāmilāt dīh, ḥasb-i ḥiṣṣa mazkūra bālā, ba-kāshṭ...*" The Faqirs who had just been made *khewatdārs* were grouped not in their own division but under the general heading *shāmilāt dīh*, and against this was recorded the overall measure of  $2\frac{1}{2}$  "ploughs". The *wājib-ul-'arṣ* recorded similarly that partition of the uncultivated waste was to be made among the *khewatdārs* "according to their shares" (*sab khewatdārān dīh ḥasb-i ḥiṣṣa*).

<sup>24</sup> The revenue demand in 1882 was Rs.440 of which Rs.2 were *mu'āf* and Rs.18 were distributed amongst the shareholders of two wells. For the distribution of the remainder this is the wording: "*bāqīmānda mablagh Rs.420. paṭṭī-wār wa muzārī'ān maurūṣī par ḥasb-i zail (paṭṭī-A, 2 hal; paṭṭī-B, 2 hal; paṭṭī-C, 2 hal; mā-taḥṭ har si paṭṭī, 1 $\frac{1}{4}$  hal; ba-qabza muzārī'ān maurūṣī, 1 $\frac{1}{4}$  hal), ba-rū-e fī hal Rs.49/6/7, bāchh huṭ.*"

village commons".<sup>25</sup> This last statement was in fact disputed by the tenants elsewhere in the 1882 records of the village. In article 4 of clause 16 of the 1882 *wājib-ul-'arṣ* it was stated that occupancy tenants had no rights to commons ("*ḥuqūq-i shāmilāt se kuchh ḥaqq muzārī'ān maurūṣī kā nahīn hai*"); but under this was recorded the tenants' objection (*'uzr-i muzārī'ān*): "We take an equal share of the commons; in the future also, as before, we shall take a share" (*ham muzārī'ān shāmilāt se barābar ḥiṣṣa pāte haiṅ; āyanda bhī ba-dastūr ḥiṣṣa pāwenge*). No "ploughs" were mentioned here, however; the rule of property was now firmly in place; the relevant categories were just tenant and proprietor; the

<sup>25</sup> According to the 1882 account of division of land in the village, the ancestors of the two Rajput families (fathers of proprietors in 1853) founded the village at the request of the local ruler, and the ancestors of the Jat family and the larger Faqir family were "brought in as partners ... a little later" (*thorē 'arṣa ba'd C wa D ko ... lā-kar sharīk kiyā*). The account continues as follows:

So at that time all the lands of the village were divided into three shares (*ḥiṣṣa*) and three *paṭṭīs* were formed:- *paṭṭī-A*, one share; *paṭṭī-B*, one share; *paṭṭī-C*, one share.  $1\frac{1}{4}$  "ploughs" of land (*hal kī arāzī*) were given to D and E [the father of the other Faqir proprietor] from all three *paṭṭīs* jointly; and after the land had been divided in this way, the remaining land became the village commons (*jo arāzī bāqī bachī wuh shāmilāt dīh rahī*). The  $1\frac{1}{4}$  "ploughs" of those who were the old tenants were recognized and land was given to them in heritable form, which is still in [their] possession (*jo log muzārī'a qadīm the, un kā 1 $\frac{1}{4}$  hal muqarrar kar-ke arāzī ba-ṣīgha maurūṣat de dī, ki ab tak muṭābiq-i bālā qabza hai*). After this there was no further division (*taqṣīm*). Because the occupancy tenants did not retain a share in the village commons their  $1\frac{1}{4}$  "ploughs" were no longer entered under the village's measure [of right] (*chūn-ki maurūṣiyān ko shāmilāt dīh meṅ āyanda ḥiṣṣa nahīn rahā, is liye 1 $\frac{1}{4}$  hal un kā dākhil paimāna dīh ke nahīn rahā*); division is on  $7\frac{1}{4}$  "ploughs" by the following shares ... ( $7\frac{1}{4}$  hal *par ba-ḥiṣṣa-i zail ... tafṭīq hai*).

The last sentence could well serve as an epitaph to the cultivating coparcenary. In the column headed "measure of right" (*paimāna-e ḥaqqīyat*) on the 1882 Genealogy no "ploughs" were recorded against the proprietary holding of the village commons.

objection was on behalf of all tenants rather than just those who had been shareholders.<sup>26</sup>

The successors to (.4) and (.5) in the first *paṭṭī* ([.13] and [.14] in 1882) fared differently. Their combined share of  $\frac{1}{2}$  "plough" was simply appropriated by the proprietors of the *paṭṭī*, for the allocation of revenue as for all other purposes. The tenants continued to pay rent in cash, and the amount was scarcely different from what they would have paid by a "plough" rate. But the calculation was now said to be done by a summary rate of Rs.0/14/8 per *bīghā* of cultivation (being the total revenue, Rs.420, divided by the total cultivated, assessable area, 457 *bīghās*). Correspondingly the proprietors paid by a "plough" rate inside the *paṭṭī*, which was lower than in the village as a whole since the tenants' rent was deducted from the *paṭṭī* total. But the amount of revenue paid by the proprietors of this *paṭṭī* hardly differed from what they would have paid if the tenants' "ploughs" had been left undisturbed and the village "plough" rate been applied, since the three proprietary holdings now measured  $\frac{2}{3}$  "plough" each instead of  $\frac{1}{2}$ .<sup>27</sup> As far as communal privileges were concerned, however, there was a more tangible difference since the tenants no longer had their shares. No explanation was given in the Genealogy for the appropriation of the tenants'  $\frac{1}{2}$  "plough" by the proprietors of the *paṭṭī*.

L-188 thus illustrates the two ways in which shares could be reorganized to prevent the formal admission that tenants could hold shares which connoted any rights. In one, the tenants' shares were simply omitted from all reckoning; in the other, they were appropriated and reallocated to the proprietors. In neither case were the relative proportions of proprietors' shares to each other altered; only tenants were

<sup>26</sup> Similarly in article 5 of the same clause, relating to "customary services" (*riwāṭī khidmat*) including *begār*, shares were mentioned but not "ploughs": "*koī khidmat zimma muzārī'ān maurūṣī kī nahīn hai, illā jo bāchh begār kī hoī hai us kā ḥiṣṣa hamrah mālikān ke muzārī'ān maurūṣī dete haiñ.*" See footnote 11 above.

<sup>27</sup> Details of the tenants' summary rate and this inner "plough" rate were given in Clause 1 of the *wājib-ul-'arṣ*.

affected. The share as a measure of right became the prerogative of proprietors.

Going back to the  $1\frac{1}{4}$  "ploughs" of land under tenants of the village it seems likely that this was allotted in a block together with the  $1\frac{1}{4}$  "ploughs" held by the ex-tenant Faqirs. The units of primary allotment were not individuals but distinct families or groups of cultivators. It is also possible that the secondary allotment to individuals within the  $2\frac{1}{2}$  "plough" block was made subsequently — although then one would have to ask why the primary allotment was to  $2\frac{1}{2}$  "ploughs" rather than the simpler 2. Judging from the field maps of a number of villages there was certainly a variety of ways in which cultivators could be given allotments and incorporated into a shareholding body within a village. In a shareholding system some shareholders continued to be more equal than others. Clientage, posteriority of colonization, subordinate standing in relation to the outside world: these were not eliminated by the possession of a share and the equalization of holdings.

In a shareholding system some degree of inequality should be admitted.<sup>28</sup> The question must rather concern firstly the manner in which the shareholding system was translated into the categories of property, and secondly what rights attached to a share. The following subsection takes up the latter cause.

## 6.2.2 The 1848 constitution of L-188

A Regular Settlement of L-188 was begun in 1848 after the *mu'āfidār*'s death at the end of 1847. In 1849 Settlement proceedings were abandoned pending the Government's final orders on whether the village was to be resumed. In 1851 the Settlement was approved as a Summary Settlement, to last until a Regular Settlement of the village was made on

<sup>28</sup> Compare Parry (1979:315-7), who ended his monograph on Kangra by arguing, *contra* Dumont, that "the egalitarian principles it [the *bhāīachārā* type of system] elaborates are a constant *potentiality* within apparently quite diverse systems" (emphasis original).



the same terms as was being done for the rest of the district. The file of the incomplete 1848 Settlement of L-188 contains 42 items which include registers, orders and correspondence. Registers which had still to be prepared in 1849 included a *khewat* register and an *iqrār-nāma* (equivalent to the *wājib-ul-'arṣ* of later Settlements) as well as miscellaneous registers such as a household census, a census of ploughs and a register of wells, all of which were prepared for L-79 and L-81, two other villages of *pargana* Ludhiana which had come up for Settlement in 1848. Completed registers for L-188 included a field map and field register, a register of cultivation, the proposed assessment contract with the headmen, the *taḥṣildār's* statement on conditions of the village (*kaifīyat ḥāṣīyat-i mauṣa'*), and a statement (*dastūr-ul-'amal*), drawn up by the *taḥṣildār* and attested by all the cultivators, concerning the organization of village affairs. Comparison of the *dastūr-ul-'amal* and *iqrār-nāma* of L-79 and 81 shows that, in most matters concerning village organization, the wording of the two documents was the same. For this reason I have called the *dastūr-ul-'amal* of L-188 its constitution, although unlike the *iqrār-nāma* or *wājib-ul-'arṣ* it was not drawn up in the form of a legal contract.

Clause 1 of the 1848 *dastūr-ul-'amal* of L-188 concerned arrangements regarding payment of the revenue (*ḥāl sabīl mālguzārī sarkār*). In rough translation it read as follows:<sup>29</sup>

<sup>29</sup> Clause 1: "Jo ki is gānw meñ tūn ḥiṣṣadār haiñ, ek P aur dūsrā Q aur tīsra R Jaṭ Musalmān haiñ, lekin taqṣīm zamīn kī un ke āpas meñ nahīñ haiñ. Mu'āmila ba-ṭaur ḥalsārī ke ham ḥiṣṣadārān wa asāmiyān maurūṣī se liyā jātā haiñ; 'amal-i baṭā'ī yā kankūt se mu'āmila nahīñ liyā jātā hai. Aur jab-ki ki ek do daf'a 'ahd-i mu'āfidār meñ thekā hu'ā to mu'āfidār ke ta'īn ham lambardārān ne mu'āmila 8½ ḥal pukḥīa par taqṣīm kar-ke aur har ek se wuṣūl kar-ke mu'āfidār ko adā kiyā. Taḥṣīl halon kī yih hai: P lambardār - 2; ... [as above]. Aur ek V takhān, ki asāmī hai, us se mu'āmila az-rū-e 'amal-i baṭā'ī ba-mūjib mufaṣṣala zail ke hai, wuṣūl kar lete haiñ; aur agar aur ko'ī asāmī howe to us se bhī az-rū-e baṭā'ī wuṣūl hotā hai. Aur jo nafa'-nuqsān gānw meñ howe to us ke sab ḥal-wāle mālik haiñ; ḥasb-i tafriq halon kī nafa'-nuqsān taqṣīm kar lete haiñ. Faqat."

Although there are three shareholders (*ḥiṣṣadār*) in this village [P, Q and R, the three headmen] ... the land is not partitioned between them. The revenue (*mu'āmila*) is taken from us shareholders and from the hereditary tenants (*asāmiyān maurūṣī*) by a plough-rate (*ḥalsārī*); the revenue is not taken by division [of the crop] or by appraisement. On the one or two occasions during the *mu'āfidār's* time when there was a cash demand we headmen (*lambardārān*), on behalf of the *mu'āfidār*, divided the revenue over 8½ full ploughs, collected it from everyone and gave it to the *mu'āfidār*. This is the detail of ploughs: P *lambardār* [(2.) of 1853] - 2; Q *lambardār* - 2; R *lambardār* - 2; W [the senior Faqir, (13.)] - 1¼; X [(23)] - ½; Y [(26)] - ½; Z [(24)] -¼. There is also one tenant, the carpenter V [(25)], from whom the revenue (*mu'āmila*) is collected in kind according to the following details [contained in Clause 4]; and collection will also be made in kind from any other person who becomes a tenant. All the plough-holders (*ḥal-wāle*) bear whatever profit or loss there is in the village (*jo nafa'-nuqsān gānw meñ howe to us ke sab ḥal-wāle mālik haiñ*); profit and loss are divided according to the distribution of ploughs.

There are two general points about this account to note first. Names of cosharers were given neither in the *dastūr-ul-'amal* nor in the register of cultivation. In the latter, there were just eight individual holdings, registered in the names of the same eight people as in Clause 1 above. At the time of his inspection of the field map and field register the *taḥṣildār* did point this out; but Larkins wrote that the matter could await the Government's final orders on the village — with the result that more detailed specification was never made.<sup>30</sup> Unusually, a Genealogy of Headmen was prepared in 1848 which showed the headmen's brothers and brothers' sons — although not the second headman's sister's

<sup>30</sup> The *taḥṣildār's* brief inspection report, with Larkins' order of 31.i.48 written at the top, is item 15 of the 1848 file. The *taḥṣildār* wrote that the reason for registering only one name against each field was that there were no separate ridges in a field marking the cultivation of each partner: at the time of cultivation each partner cultivated whatever he wanted in the field ("jis kishī kī mālikīyat meñ do yā tūn bhā'ī sharīk haiñ wuh kishī ek ke nām par likhā hai; aur wajah likhne ek nām kī yih hai ki ḍaul kishī kī, bābat kashī har ek bhā'ī, 'alāḥida 'alāḥida nahīñ hai: 'ind-al-taraddud jis ne chāhā us ne us kashī [sic. kishī?] meñ se kashī kar lī").

son — more or less correctly.<sup>31</sup> But the only people registered as proprietors ("*mālikān biswādār*" according to the Abstract of Cultivation, item 25 of the file) were P, Q and R, the headmen. Thus, no details were recorded in 1848 of internal divisions within the eight registered holdings, whether the divisions were of land or of revenue liability, in tenancies or in shares. For instance, of (13.) to (17.), the Faqirs who were later made proprietors, only (13.) was registered in 1848, as an occupancy tenant, standing for them all; and neither (.4) nor (.5) were given any mention in the 1848 papers. Without a contemporaneous census register it is not possible to prove that (.4), (.5) and the other Faqirs were in the village at the time, let alone cultivated their own separate holdings. But there is nothing in the 1853 records to suggest they were not there in 1848: (.4) was said in 1853 to have been cultivating for fifteen years and (.5) for twenty. Rather, registration in 1848 was coarse; it was enough to register one person per holding at a single level of accountability and not to bother with any internal division of interest. The holdings of P, Q and R were more like undivided *paṭṭīs*, as if the office of headman had been translated into individual ownership of the *paṭṭī*.

The second point concerns terminology. P, Q and R were described in the *dastūr-ul-'amal* first as *ḥiṣṣadārs* then, when their function was being described, as *lambardārs*. In other clauses of the *dastūr-ul-'amal* they were referred to as *lambardārs* (Clauses 5 and 9), as *ḥiṣṣadārs* (Clause 7) and as *mālikān* (Clause 8 in conjunction with the term *ḥiṣṣa*, and Clause 13), rights being ascribed to the various terms inconsistently. Never mind the term *ḥiṣṣadār* as shareholder, when it was the unofficial category of plough-holder in terms of which all joint interests in the village were defined; the more appropriate term would have been *biswādār*. The term *mālik*, however, was used in two senses: in a general sense as well as in its defined legal sense of proprietor, a category associated with the rule of property. In Clause 1 the plough-

<sup>31</sup> The Genealogy of Headmen (*kursī-nāma lambardārān*) is item 23 and 26 of the 1848 file.

holders together were described as *mālik* of all profit or loss in the village (presumably in the balance between agricultural production and the demands of the State);<sup>32</sup> in Clause 7 the right of being *mālik* of cultivation was said to revert in certain circumstances to the *mālik* of the land; and in Clause 13 the *mālik* of a tree was the person in whose field it grew (the *khet-wālā*), not necessarily the field's owner. Similarly, the terms *maurūṣī* and *ghair maurūṣī* (hereditary and non-hereditary), for cultivators who were not headmen, appear to have been used in a general sense rather than with a precise meaning in law;<sup>33</sup> and the term *mu'āmila* was used for what was collected both from the plough-holders in cash and from the one non-plough-holder in kind.

The uncertain juxtaposition of different kinds of categories in the *dastūr-ul-'amal* as a whole suggests that the various clauses had different derivations. Some provisions derived from legal or administrative ruling, as if copied from an exemplar; others were more descriptive of existing arrangements in L-188. It was not until later in the nineteenth century that the relation was fully worked out between statutory law, tribal customary law and local village custom, in regard both to content and to the legal standing of different kinds of statements or different kinds of information. From the 1850s there was official concern over the difficulties, not to say contradictions, involved in preparing for every village a *wājib-ul-'arṣ* which was not stereotype officialese yet which employed uniform legal categories and somehow still truly represented what villagers

<sup>32</sup> The corresponding sentence in Clause 6 of the 1853 *wājib-ul-'arṣ* went literally as follows: "and whatever profit or loss there is from production, this is the responsibility of each *khewāṭ*-holder [proprietor]" (*aur nafa' wa nuqṣān, az-rū-e paidāwār ke, jo ho to har ek khewāṭdār kī zimma hai*).

<sup>33</sup> During the 1848 Settlement of L-81 there was a dispute over the proprietary title of the village, during which the headman used the term *maurūṣī* to distinguish those who had joined with him in the foundation of the village, and who were therefore proprietors, from non-resident and ordinary cultivators. See Section 7.3.



said, in their own language, about their own customs.<sup>34</sup> The 1848 *dastūr-ul-'amal* of L-188 reflects not only this contradiction but the general difficulty of translating existing ways of organizing social life into the categories of property. What one sees in the uncertain juxtaposition of different kinds of categories in the *dastūr-ul-'amal* is exactly the grid of official classification being lowered into place.

The main point to arise from the 1848 *dastūr-ul-'amal* is that the unofficial category of "plough-holder" (*hal-wāle*) could be written into a legal document, that it cut across the official categories of proprietor and tenant, and that all joint interests in the village were defined in terms of the plough-holders. What was being described in the *dastūr-ul-'amal*, albeit in stereotype phrases, was thus a kind of agricultural cooperative onto which was grafted the official mould of property relations. The main business of agricultural production was shared by the plough-holders, while the headmen exercised general supervision and represented the cooperative to the State. Since this is important to my general argument the other Clauses of the *dastūr-ul-'amal* will now be examined in greater detail.

There were fifteen clauses in the *dastūr-ul-'amal*. Concerning the headmen first, Clause 1 described their role in collecting the revenue while Clause 9 (*zīkr nām lambardārān*) gave the names of the three *lambardārs* again, adding that they received a fee (*in'ām*) for the service. Clause 7 (*zīkr intiqāl-i haqqīyat*) gave them the power, as *hiṣṣadārs*, to sell their rights and also to preempt purchase by an outsider; this power was specifically denied hereditary tenants.<sup>35</sup> Clause 8 (*zīkr sarbarāhī mālikān mafrūr*) gave the

headmen, as *mālikān*, the authority to appoint custodians during their absence (the custodians to be drawn from the same circle of brothers, agnates and fellow *hiṣṣadārs* which enjoyed the right of preemption) and the right to take up their "share" (*hiṣṣa*) again on their return. Although the terms *hiṣṣa* and *hiṣṣadār* referred only to the headmen none of the above rights related to a joint interest which they alone held in common. It was only as plough-holders that the headmen shared a common interest with other plough-holders.

Regarding the headmen's rights towards others, Clause 13 (*zīkr darakhtān*) stated that the permission of the headmen, as *mālikān*, had to be obtained by any non-villager wanting to make use of wood from trees growing on uncultivated common land.<sup>36</sup> Clause 5 (*tarīq qabza arāzī asāmiyān maurūṣī yā ghair maurūṣī*) gave the headmen the authority, as *lambardārs*, to decide whether a non-hereditary tenant (a non-plough-holder) should reoccupy land he had earlier vacated (hereditary tenants, i.e. plough-holders, having the right of return). Finally, Clause 7 stated that the *hiṣṣadārs* could determine how land was to be used whose cultivators had failed to cultivate it or failed to pay the revenue,<sup>37</sup> and that in the latter case the *hiṣṣadārs* had the power to evict. Thus, Clauses 5 and 13 related to the headmen's general supervisory role over what went on in the village, while Clause 7 gave the headmen specific powers to intervene in case the revenue from agriculture was threatened. Individually and corporately, the actual business of agricultural production was left in the hands of the plough-holders.

<sup>34</sup> See Financial Commissioner's Circular no. 18 of 1855, 20 February, in Punjab (1859:192-3); also Tupper (1881 i:68ff.).

<sup>35</sup> Clause 7 read in full as follows: "Ham *hiṣṣadārān* ko *ikhtiyār* hai ki *haqqīyat apnī ba-waqt-i zurūrāt farokht* karen; magar jab tak koī *bhāt haqqīqī yā nazdīkī yā hiṣṣadār* howe *hāth ghair shakhs* ke *intiqāl* nahīn kar sakte. Magar *intiqāl arāzī kā asāmiyān maurūṣī* ko nahīn hai: jab tak us kī *khushī* howe *kāsh* kare to *kāsh* kī *mālik* hai; aur jo *mu'āmila* na dewe *yā kāsh* na kare to *mālik* us *zamīn* ke ham hai, aur *dar-ṣurat* 'adam *adā-e mu'āmila* ham *ikhtiyār* *chhorāne* *zamīn* kī hai. Faqat."

<sup>36</sup> Clause 13: "Jo *darakht* *darmiyān khet* ke howe us *kā mālik* *wuh khet-wālā* hai, aur jo kī *ūpar dāul khet* ke howe ... *wuh haqq* *donon khet-wālon* *kā* hai.... Aur jo *zamīn* *uṣṭāda* wa *ghair mazrū'a* meñ *darakht* howe, *siwā-e andarūn khāna* har ek ke, *wuh shāmilātī tamām gānw* *kā* hai. Agar *kisī* ko *lakṛī dar-kār* howe to le lewe, aur *dūsre* ko, *bidūn qīmat* *yā razāmandī mālikān* ke, nahīn *mil* saktā."

<sup>37</sup> Literally, "Whoever does not pay the revenue or does not cultivate, then we [*hiṣṣadārs*] are *mālik* of that land."

The conditional powers given to the headmen under Clause 7 are particularly interesting set against provisions recorded elsewhere in the *dastūr-ul-'amal*. According to Clause 5 no tenant, hereditary or non-hereditary, could be evicted so long as he continued to pay the revenue. Moreover, if a tenant vacated his land the land would be divided up amongst the plough-holders.<sup>38</sup> Set against Clause 7, Clause 5 suggests that so long as they were able the plough-holders absorbed amongst themselves any individual failures or losses. "Profit and loss" belonged to the plough-holders, as stated by Clause 1. Indeed, Clause 6 (*zīkr bāqī sarkār*) stated categorically that arrears of revenue were to be distributed over the plough-holders.<sup>39</sup> Only when something really went wrong would the headmen take special measures to ensure that revenue kept flowing into the State treasury.

Apart from Clauses 1, 5 and 6 three other clauses mentioned the role of plough-holders. Like Clause 6 concerning arrears of revenue, Clause 11 (*zīkr jurmāna*) stated that any fine imposed upon the whole village was to be distributed over the plough-holders ("jo jurmāna tamām gānw par howe to sab hal-wālon se bāchh kar-ke diyā jātā hai"). Clause 3 (*zīkr malba*) described arrangements for auditing and paying village expenses, which were shared amongst the plough-holders according to each person's measure of "ploughs". The expenses mentioned were those of village meetings, of hospitality to travellers and of charity, the costs of being served a summons and the travelling

<sup>38</sup> Clause 5: "Jo zamīn qabza meñ asāmiyān maurūṣī yā ghair maurūṣī meñ hai wuh chhorāte nahīn jab tak mu'āmila adā kartā rahe. Aur agar koṭ asāmī maurūṣī yā ghair maurūṣī bhāg jāwe to us zamīn ko, ba-mūjib taqsim halon ke, sab bānt lete haiñ; aur agar phir āwe to jo asāmiyān maurūṣī haiñ wuh to apnī zamīn le lewe, magar jo ki ghair maurūṣī hai wāṣṭe us ke ikhtiyār lambardārān kā hai, chāhe deñ yā na deñ."

<sup>39</sup> Clause 6: "Agar bāqī sarkār kī rahā jāwe to tamām gānw ba-mūjib halsārī ke adā karen; lekin asāmiyān ghair maurūṣī se, ki jo mu'āmila 'amal-i baṭāṭ se dete haiñ, un se kuchh wāṣṭa nahīn, faqat."

expenses of the *lambardārs*.<sup>40</sup> Finally Clause 12 (*zīkr khāt-kūrā*) stated that dung and refuse belonging to non-cultivators was piled up and divided amongst the plough-holders as manure. Here an exception was made in the case of personal retainers, whose masters were said to utilize the dung.<sup>41</sup>

Without going into a detailed comparison of the 1848 *dastūr-ul-'amal* and the *wājib-ul-'arṣ* of 1853, all the functions described for plough-holders in the *dastūr-ul-'amal* of 1848 were attributed to *khewat*-holders, in other words proprietors (*khewatdārs*), in the 1853 *wājib-ul-'arṣ*. In addition, *khewatdārs*, being proprietors, had the right of sale and of preemption. That is to say, the attributes of a cultivating coparcenary were the same in both documents but in the *dastūr-ul-'amal* it was the plough-holders who made up the coparcenary and in the *wājib-ul-'arṣ* it was the proprietors. According to the earlier document there were indeed proprietors among the plough-holders, who had certain superior rights (notably the right of sale) and a general managerial interest over agricultural production in the village; but the business of agricultural production was in the hands of the plough-holders, individually and

<sup>40</sup> Clause 3: "Aur *kharch malba* meñ *kharch khurāk āyand-rawand wa chaupar wa khairāt wa talbāna mazkūr wa kharch āmad-raft lambardārān*, ki jo howe wuh ba-mūjib hisāb halsārī ke sab se wuṣūl kar lete haiñ.... Aur tahṣīl is kī ... sab hal-wālon se wuṣūl kar liyā jātā hai."

According to Clause 4, cultivators who paid revenue in kind had to pay one ānā per bīghā of grain cultivation towards village expenses.

<sup>41</sup> Clause 12: "Jo khāt-kūrā ko asāmī apnā jama' kare wuhī apne kisht ko lagāwe, dūse ke jama' ke hone se kuchh sarokār nahīn; magar jo ki kār kishkārī nahīn karte un ke kūrē jama' ke hone ko sab hal-wāle āpas meñ bānt lete haiñ; magar jo koṭ aisā shakhṣ kisi ke zail meñ howe to us kā kūrā wuhī lewe jis ke zail meñ rahtā hai, wuh taqsim nahīn hotā."

The corresponding Clause in the 1853 *wājib-ul-'arṣ* stated that *khewatdārs* generally divided up dung belonging to "village servants etc." (*kamīn waghaira*) but that individual *khewatdārs* were entitled to dung belonging to their personal dependants or those who lived in the same compound ("jo kamīn kisi khāṣṣ *khewatdār* ke ra'āyā hai, yā us kī iḥāṭa munqasama meñ ābād hai, to us ke khād-kūrē kā wuhī mālik hai jis ke wuh kamīn ra'āyā hai").



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corporately. In the *wājib-ul-'arṣ* of 1853, by contrast, all joint interests were put in the name of the proprietors, and "ploughs" were merely a device for allocating revenue. To complete the circle, at the 1882 Settlement, when it was no longer possible to record a "plough" measure against a tenancy, "ploughs" were again seen as a measure of right, to distinguish ancestral, shareholding proprietors from *mālikān qabṣa*. This is not to claim that between 1848 and 1853 there was a sudden change of official heart towards agrarian relations. But what the 1848 *dastūr-ul-'amal* of L-188 does show is that it was possible at that time to write the constitution of a village in terms that were not entirely based upon relations of property. The unofficial category of "plough-holder" (*hal-wāle*) was used to describe how the village was collectively organized independently of property relations.

At the 1848 Settlement of L-188 it was the plough-holders who formed a cultivating coparcenary whose rights were recorded in the *dastūr-ul-'amal*. But the Settlement was nevertheless made under the rule of property: proprietors had to be identified and their rights defined. The three headmen of the village were the only people to be recognized as proprietors. Some of their rights, however, were those of headmen, some those of proprietors. If all relations of property are excised from the *dastūr-ul-'amal* then what is left is a description of agricultural organization in terms of three main categories: headman, plough-holder or coparcener, and sharecropper (the cultivator who paid revenue in kind). Although this is reductionist it does place the focus on organizational roles rather than on landholding status. Whatever vocabulary is used — cultivating coparcenary, agricultural cooperative or shareholding corporation — it was the plough-holders amongst whom land and other resources were shared out and who jointly met all taxes and common expenses of the village. Land that was not allotted to plough-holders might be cultivated in return for a share of the harvest, but such sharecropping arrangements were peripheral to the wholesale agricultural production of the village and sharecroppers had no say in

joint decisions. Included in the category sharecropper would also perhaps be those *sānjī* discussed in Section 5.6 above who had no land registered in their own name but who cultivated in partnership with a registered landholder. The headmen were themselves plough-holders with the additional responsibility of collecting everyone's share of revenue and paying it into the treasury. As chairmen of the coparcenary a headman also exercised general supervision over the allocation of land and other resources in the village, to both plough-holders and non-plough-holders. Whether a headman's supervisory powers extended to the sale of land against the wishes of plough-holders is debatable. In any case the relative standing of headmen and coparceners depended on a number of factors and varied from village to village. In some villages where the coparceners belonged to several different castes or where they continued to pay revenue in kind (such as in L-102 and L-158) the headmen alone were awarded proprietary title by the British. In others the headmen had to be elevated to the post by the Government from among the coparceners.

The simplified schema of headman, coparcener and sharecropper represents the roles commonly associated with a cultivating coparcenary. Some of the observed complexities of tenure may then be visualized as the result either of multiplication of the schema at the same level of representation, or of nesting one within another over different levels. The division of a village into *paṭṭī*s, each forming a coparcenary and each with a headman representing the coparcenary to the State, is an example of multiplication; while the first *paṭṭī* of L-188, divided between the headman (2.), his brother (3.), his half-brother's two sons (1.) and the two plough-holding tenants (.4) and (.5), provides an example of nesting. A coparcener at one level could act as head of a coparcenary at a lower level, for instance when new cultivators were given a share of an individual's allotment. Two examples of individual nesting, which have already been mentioned, are (28.) of L-184, whose 4½ proprietary "ploughs" were shared between (28.) himself and three tenancies, one of them non-hereditary;



and the 11 "ploughs" belonging to (9.) of L-181, of which 6 were allotted in three tenancies and there was also some land cultivated by a sharecropper from L-67.<sup>42</sup> It was suggested in Chapter 4 that a model of tenure has to account as well for the formal partition of a village at one point of time as for subsequent developments, both general, through inheritance, and particular, through the progressive incorporation of newcomers. If the family is also considered as a coparcenary, with shares normally determined by rules of inheritance, then a reasonably complete model is obtained of articulated organization within a village.

It remains to be said that the 1848 *dastūr-ul-'amal* of L-188 gives a very incomplete picture of agricultural organization in the village. Apart from the clauses concerning headmen or plough-holders there were only five other clauses, which related to general matters.<sup>43</sup> Two features in particular were missing from the *dastūr-ul-'amal*, the first omission general to all *wājib-ul-'arṣ* as well, the second not. First, no mention was made of a village council or *pañchāyat*. A description of the management of village affairs in terms of rights and privileges, whether of plough-holders or of *khewaṭdārs*, does not convey a sense of how decisions were actually taken, even in the case of a small village like L-188.<sup>44</sup> Baden-Powell wrote that the *pañchāyat*

<sup>42</sup> See pages 176 and 169 above.

<sup>43</sup> Clause 2 (*paidāwār ruqūmāt siwā-e*) concerned additional collections on certain kinds of produce — of which there were none in L-188. Clause 4 (*dastūr 'amal-i baṭā'ī asāmiyān ghair maurūṣī*) gave details of rent taken in kind from non-hereditary tenants. Clause 10 (*ẓikr chaukīdār*) concerned the village watchman: who he was, what his duties were and what he received as payment from each house in the village and at each wedding. Clause 14 (*ẓikr chāhāt*) concerned wells — see the discussion following this footnote. Finally Clause 15 (*ṭarīq aqsāt adā-e mu'āmila*) concerned the seasonal instalments (*qist*) of revenue.

<sup>44</sup> Clause 5 of the 1853 *wājib-ul-'arṣ* stated that the "permission of all the shareholders, not just one or two *khewaṭdārs*", had to be obtained to cultivate land on village commons (*ba-ijāzat jamī' ḥiṣṣadārān ke, ek do khewaṭdārān kī ijāzat se ... nahīn*). Similarly Clause 9 stated that common land could only be partitioned with the consent of all *khewaṭdārs*, not on the request of one or two (*"ḥasb-i darkhūst ek do khewaṭdārān ke, bilā marṣī*

was a central feature of any *bhāīachārā* tenure, but he himself gave no details.<sup>45</sup> At the 1853 Settlement of Ludhiana the *wājib-ul-'arṣ* of a village recorded the names of one or two *pañch* in the village who were responsible for paying the *chaukīdār* by means of a levy on households. The *pañch* were usually proprietors, but by no means always *lambardārs*; and sometimes (as in L-75) they might even be occupancy tenants.<sup>46</sup> No details of their other duties, however, were given in the *wājib-ul-'arṣ*. A former Deputy Commissioner of Ludhiana, who had also conducted the Summary Settlement of territory between Ludhiana and Ferozepore, wrote in 1852 that the *pañch* was "purely a matter for village election".<sup>47</sup>

*tamām khewaṭdārān ke, nahīn ho saktī*"). Clause 9 also stated that the produce of village commons was collected by the *lambardārs*, "with the shareholders' agreement" (*ba-ṣalāḥ ḥiṣṣadārān ke*), and taken to the village shop to be deducted from the village expenses. Finally, Clause 18 stated that the village accounts were to be rendered "in the presence of all *khewaṭdārs*" (*bil-mushāfaha sab khewaṭdārān ke*), although the expenses were disbursed through the *lambardārs* (*"ma'rifat lambardārān ke"*). None of this suggests a regular forum for taking joint decisions.

<sup>45</sup> Baden-Powell 1896:291, "in connection with the *bhāīachārā* method of dividing land", cited the Basti Settlement Report (Hooper 1891:paras.93-4) for an example of a tenant coparcenary:

I allude to the *halbandī* custom, where the whole village is let out by the small non-agricultural proprietary body to tenants who form among themselves a united subordinate village body, and I suppose have a *pañchāyat* to make the allotments.... The entire lands are treated as forming so many "ploughs".

Regarding Mathura, after describing the intricacy with which cultivation was divided, Baden-Powell (*ibid.*:282) quoted the Settlement Report (Whiteway 1879:39-40) as follows:

I have hardly met with a disputed field, and not one case which was not easily and readily disposed of by the *pañchāyat*, which, like other *bhāīachārā* institutions, exists here in great perfection.

<sup>46</sup> See page 143, footnote 21 above. Clause 16 of the 1853 *wājib-ul-'arṣ* usually concerned the village watchman. In 1853 the two *pañch* of L-188 were (2.) and (8.), two of the three headmen.

<sup>47</sup> Campbell (1852:88-9). He also wrote that each *paṭṭī* tried to have "a share in the representative Punch" and that in small villages there might be only two *pañch*, i.e. two people, whereas in large ones "a dozen or more".



They [the *panch*] act not as persons having authority over the community, but always as representatives, and on many subjects they consult their constituencies before deciding. Their power is somewhat ill defined, and there is generally in the village a leader of opposition.

To envisage an alternative British rule in India based on a kind of *panchāyatī rāj* of agricultural cooperatives, instead of on the rule of property, is not as far-fetched as might appear. A recently published study, of ecological factors leading a village to organize its use of public resources collectively, provides an interesting illustration of the working of village councils.<sup>48</sup> In a comparison of villages along the same canal distributary, Wade found that councils tended to be most organized, giving themselves the most sizeable budget, in the tail-end villages, where the water-supply was unreliable and some check had to be made on communal grazing. A direct comparison with the locality of Ludhiana in 1853 is not in order. However, in the next chapter I shall argue that shareholding was expressed in an idiom that suggests a fine balance between the productive resources of a village and the demands of the State. 'Fair-share' allotments required collective organization of the kind Wade himself had in mind, from the open field systems of medieval Europe. The bare 1848 *dastūr-ul-'amal* of L-188 would have been more in keeping with such an alternative project than the over-determined, exclusively defined, later *wājib-ul-'arṣ*.

The second omission from the 1848 *dastūr-ul-'amal* was indeed a special clause devoted to the village commons. This is surprising since a share of the village commons was later understood to epitomize a coparcenary of ancestral proprietors. Clause 5 of the 1853 *wājib-ul-'arṣ* and Clause 4 of the *wājib-ul-'arṣ* of 1882 were explicitly concerned with rights to common land, including both the various uses made of common land by different classes of villagers and conditions for its partition between coparceners. Whether the omission of such a clause from the *dastūr-ul-'amal* of 1848 was because little use was in fact made of uncultivated

<sup>48</sup> Wade (1988:184-5).

waste, apart from what was covered in Clause 13 on trees, or because the *dastūr-ul-'amal* was written as much from an organizational point of view as from that of the rule of property, is hard to say.<sup>49</sup> The commons appear not to have been considered first and foremost as a piece of joint property, shares to which had to be defined, but in terms of specific products whose use and control were the legitimate concern of the *dastūr-ul-'amal*. Two clauses of the *dastūr-ul-'amal* did mention village commons, but only in a general sense not as a category of property. With regard to trees, Clause 13 has already been quoted:<sup>50</sup> trees growing on uncultivated land not registered in the name of anyone in particular belonged to "the whole village jointly" (*shāmilātī tamām gānw*). With regard to wells, Clause 14 stated similarly that the one well in the village belonged to the whole village jointly; but no shares were specified, even though the well was used for irrigation as well as for drinking purposes.<sup>51</sup>

The right of plough-holders in L-188 to a share in the partition of uncultivated common land may not have been explicitly recorded in the 1848 *dastūr-ul-'amal*. But comparison of the field maps of the village for 1848 and 1853 shows that in fact the plough-holders enjoyed this right, tenants as well as proprietors. A large section of land a little to the south of the village site was partitioned amongst all the plough-holders between 1848 and 1853, and the non-shareholding carpenter (.25) in particular was also allotted a strip, though he continued to pay rent in kind in 1853. Most of this land (over 150 *bīghās*) had been held in a single field by all three headmen jointly and had supposedly been

<sup>49</sup> The 1848 *dastūr-ul-'amal* of L-79 and L-81 had the same form as that of L-188, but each village's *iqār-nāma* did have a special clause (*zīkr tafīq raqba dīh*) tabulating the general allocation of land by shares and stating who had a share in common land.

<sup>50</sup> See footnote 36 above.

<sup>51</sup> Clause 14: "Is *gānw men ek dibba* [?] *chāh lagāyā hu'ā shāmilāt tamām dīh kā hai; us se āb-pāshī bhī zir'at kī hotī hai*." No register of wells had been prepared by the time the 1848 Settlement was postponed, which might have specified who shared use of the well for irrigation.

cultivated with *moth*, a kind of vetch. Only a portion of the land remained as uncultivated village commons in 1853. The example of L-183 will also be recalled, in which the holders of shares in land, who included tenants, had also collectively organized the construction of a masonry well on the same shares.<sup>52</sup> A direct application of Wade's argument to the Ludhiana of village records is not possible; but the parallel is drawn. Wade, a development specialist interested in how the State can harness local institutions for the general welfare, presumably gave his book the title *Village Republics* to invoke the spirit of Metcalfe, if not of Dalhousie.

<sup>52</sup> See page 149 above.

## Chapter 7

### Village autonomy and the idiom of ploughs

The 1848 constitution of L-188 is aberrant from the point of view of property relations because it recognized tenants as shareholders of the village and it gave greater prominence to the shareholders, in running the business of agriculture, than to the proprietors alone. A little while afterwards it would have been unthinkable to endorse such a constitution because shares became the exclusive mark of ancestral proprietorship. Shares might still be expressed in "ploughs" but these "ploughs" were understood as a mere conventional alternative to ancestral shares, allocated in some former, disturbed era to the proprietors of the time but since devolving, like ancestral shares, according to well known rules of inheritance. The initial allocation of "ploughs" may not have been made with reference to a family tree but the subsequent devolution certainly was. Just as landed property itself was fixed, so shares in joint landed property could not, once allocated, be redefined.

An attempt should be made to reconstruct the idiom in which shares were expressed before the era of grid references and absolute measures. The idiom of ploughs was used to express not only cultivators' relationships to each other, but also their obligations both to non-cultivators and to the State. This takes us to a different realm of knowledge from that which was officially certified in the records and reports of British rule. We are not able to



eavesdrop on farmers' conversations.<sup>1</sup> Authenticity to the way farmers thought and spoke is not to be found in answers to questionnaires, however faithfully transcribed, nor in the observations of contemporary officials, even those written in Urdu.<sup>2</sup> The account in the following section is therefore idealized, pieced together from often contradictory evidence. The very inconsistency of recorded usage, however, reveals something of the farmers' world and something therefore of how that world was turned inside out by the introduction of new standards.

By way of introduction it should be noted that ploughs were not the only idiom in which shares were expressed, even in the small part of Ludhiana district studied.<sup>3</sup> But they

<sup>1</sup> Some of the ideas contained in this chapter were presented verbally to the Workshop in Agricultural Terminology organized at New Orleans in January 1986 by the S.S.R.C. (U.S.), to whom I am grateful for the invitation to attend. The idea that a measure like the plough might be visualized in the context of farmers talking amongst themselves while planning the cultivation of particular fields, was raised by Peter Claus, whose actual example was of an "8-woman" paddy field.

<sup>2</sup> The earliest accounts of agricultural practice in Urdu are Kali Rai's *Khet karm* (1846) and Kalb-i Husain Khan's *Tausif-i zirā'at* (1848), both written with official encouragement by Deputy Collectors in the North Western Provinces. Kali Rai was deputed to work with Wynyard when the latter was appointed Settlement Officer of the cis-Sutlej States in 1846, and together they produced several manuals for use in Settlements (see bibliography and fn.21, p.62). The text of *Khet karm* was included in Kali Rai's *Fatahgarh-nāma* of 1849, a more general work in the genre of district Statistical reports and Gazetteers which was also being developed during this period. See my theoretical outline of these developments (Smith 1985) and Shahid Amin's expansion on the theme of glossaries of Indian agricultural terms in the English language (Amin 1989). Kali Rai was not a farmer but belonged to the town of Sultanpur in Saharanpur district. *Khet karm* was written for use in schools and was concerned more with the naming of agricultural parts (written in the Nagari script as well as the Arabic) than with details of agricultural organization.

<sup>3</sup> Gokul Kumar always ended his account of the fiscal history of a village by stating how the revenue and village expenses were apportioned within the village. For villages of *pargana* Ludhiana, including L-74, 81 and 184, the apportionment was "according to the land possessed" (*arāzī maqbūza par*). Out of 55 villages in the sample belonging to other *parganas* Gokul Kumar's accounts were found for 43. In 28 of these, ploughs were the only

were the prevailing idiom in that district as well, it seems, as in the neighbouring districts of Jullundur and Ferozepore.<sup>4</sup> As a basis for the revenue assessment of a village by the State, ploughs were perhaps known to early British administrators, since assessment by ploughs is mentioned in administrative manuals of the Mughal period.<sup>5</sup> But as a way

mode of apportionment; in 10, both ploughs and cultivated area were used (8 by *bīghā*, 2 by *ghumā'o*); and in 4, the apportionment was by area alone (the *bīghā*). There was one village, L-182, in which the apportionment was said to be on both 16 ploughs and 2 masonry wells (16 *hal khām aur do dibba* [?] *chāh pukhta*) but unfortunately I did not pursue this reference to apportionment on wells further.

<sup>4</sup> Baden-Powell (1892 ii:676,680).

<sup>5</sup> Of the method of assessment of the standing crop, known as *hast-o-būd*, Siddiqi (1970:49) says that it was "different from the practice of calculating *jama* on the basis of the number of ploughs or the area of land ploughed" (but compare Habib 1963:198); but in the immediate reference he cites I cannot find assessment by ploughs mentioned (Yasin's Glossary of revenue terms, B.M. Add. 6603:fol.40-84; concerning a later expanded copy in Patna which was completed in 1790, see Qeyamuddin Ahmad (1972) and the critical edition with English translation of Hasan Mahmud (1984), where also there is no mention of assessment by ploughs). The clearest reference to assessment by ploughs in the Mughal period (of the seventeenth century) is quoted by Habib (*ibid.*:226-7) as follows:

Concerning the Mughal Dakhin ... Sadiq Khan ["a high official under Shahjahan" (*ibid.*:364)], however, tells us that in the Dakhin provinces neither measurement nor crop-sharing had been followed 'since ancient times'. 'On the contrary,' he says, 'the established practice was that each of the villagers and peasants tilled as much land as he could with a plough and pair of oxen and grew what crop he liked, whether grains or pot-herbs, and paid to the authorities (*sarkār*) a little money on each plough, varying with the territory and the *parganas*; and there was no [further] enquiry about, or regard paid to, the quantity of the crop.'

The controversial term *nasaq* was also in some areas associated with assessment on ploughs: viz. in Berar (Habib *ibid.*:217); and in central Persia, where the term signified "capacity of a village in plough-lands" (Lambton 1953:436). Moreland (1929:234-7) thought that *nasaq* signified "assessment of a lump sum on the village ... by agreement with the headman as representing the peasants, the distribution of the assessment over the individual peasants being left in the headman's hands" (as quoted by Rafiq Ahmad 1970:30,fn.), i.e. not just 'group assessment' (with which Habib disagreed) but the combination of (1) negotiations between the headman of

of apportioning the State's demand amongst shareholding cultivators ploughs were not the first idiom to come to the attention of British officials. That honour belongs to the *bīghā*, which supposedly was a standard measure of area one *jarīb* square<sup>6</sup> but in practice was found to vary not only from locality to locality but also, as what was called a *bhāīachārā bīghā* or *bhāīwadī bīghā*, from one group of shareholders in a village to another.<sup>7</sup> The variance of the *bīghā* became seen as a peculiarity of the *bhāīachārā* form of land tenure rather than just as the result of a declining power's inability to enforce a standard – something to be investigated and, if necessary, protected in law, rather than just something to be set right.<sup>8</sup> It was during the course of the lengthy investigations which preceded Regulation VII of 1822 (summarized by Holt Mackenzie in his famous

a village and the State, and (2) some form of internal distribution over individual cultivators. This combination, of a standard bureaucratic rate and a locally autonomous idiom, would also apply to assessment on ploughs.

<sup>6</sup> See Habib (*op.cit.*:353-366) concerning the measures of length standardized by Akbar and by Shahjahan.

<sup>7</sup> The term *bhāīwadī bīghā* was used in what retrospectively is the earliest reference, Mehendy Ali Khan's replies in 1794 to the Resident of Benares, which formed Appendix E to Holt Mackenzie's Memorandum of 1st July 1819. Whether any administrative action was taken at the time of the replies is not known. It was Holt Mackenzie who cited the Benares reference and who pointed out the similarity between the *bhāīwadī bīghā* of villages in Benares and the *bhāīachārā bīghā* of villages in Bundelkhand (paras. 419-421 of the Memorandum, in Bengal Revenue Consultations, 1820, 16th September, nos. 4-5, and later published in NWP 1866:9-192).

<sup>8</sup> Reporting to the Governor-General in 1818, the Board of Commissioners of the Ceded and Conquered Provinces (part of N.W.P.) recalled a report it had made in 1808 as follows:

We had then reason to believe that it [the *bhāīachārā* tenure] might be so far modified, without offering any violence to the prejudices of the landholders, as to assimilate with the less intricate Putteedaree tenure of the rest of these Provinces. But the Bhyachara tenure still prevails, and ... some legislative enactment would appear to be necessary for the protection of it.  
(NWP 1866:218)

Memorandum) that collections per plough were noticed.<sup>9</sup> Subsequent reports from the Delhi Territory showed this to be a common way of allocating quotas to shareholders, where the plough was not just the physical object but could "stand alone in lieu of the land".<sup>10</sup> By the mid-1830s apportionment by ploughs was an accepted term in a Settlement Officer's vocabulary, not requiring special notice.<sup>11</sup> But by then assessment of the State revenue by ploughs was out of the question. Firstly, the State had always claimed that land revenue was a form of rent from

<sup>9</sup> Holt Mackenzie's observation, that "in some cases the contributions of the sharers would appear to be regulated by the number of ploughs" (para.417n. of the Memorandum, in *op.cit.*:92n.), seems to have been drawn from a report in 1815 from Camp Saidebad in Aligarh district (*ibid.*:305).

<sup>10</sup> Fortescue's Report on the Revenue System of the Delhi Territory, 1820, published in Punjab (1911:69-130, particularly paras. 100-109), mentioned apportionment both per actual plough and per nominal "plough", although without crystallizing the distinction. The former method was one of the four village taxes, together termed *chaubāchha* (the other three being taxes per male head, per hearth and per milch cow), which were occasionally levied from all inhabitants, not just shareholders. In official understanding such taxes concerned village expenses rather than government revenue, which was considered a charge upon land. But the distinction between village expenses and revenue is in part an elaboration of British rule (see page 101, footnote 13, and Chapter 9). Where the State made a demand upon a whole village, and the amount varied from year to year, the village realized that demand by collections primarily from the cultivators but also secondarily from everyone in the village, cultivator or not. The 30-year Settlements made under Regulation IX of 1833 fixed the amount of State 'revenue' each shareholding cultivator (who was named in the record) had to pay per year, at the same time as it fixed the headings under which 'village expenses' could be met by levies from non-cultivators (who were not usually named but only classified by caste or occupation). In this way there could no longer be a reservoir of funds, under the control of the village, from which the revenue could be paid, in bad years and in good; instead there was a direct conduit of revenue, through the headmen of a village, from proprietor to State treasury.

<sup>11</sup> See, for instance, the Settlement Reports of Rewari (para.37), of Rohtak (para.41), of Gohana (para.45) and of Panipat (para.34), published in NWP (1846); and the correspondence relating to John Lawrence's 1837 Settlement Report of Pargana Tauroo, district Gurgaon, in NWP Revenue Proceedings, 1839, 7th January, nos. 25-27.



the land, not a tax on the means of subjects, so assessments had to involve more than censuses.<sup>12</sup> Secondly, even if the principle behind a village's allotment of land in equally valued holdings of "ploughs" had been understood, villages could not be allowed to dictate their own criteria of value to the State. Thirdly, in order to establish objective criteria for assessing the productivity of land, field measurements, in absolute units and checked against the measurements of the independent Revenue Survey (which in turn was related to the Great Trigonometrical Survey), were now the basis of all Settlements conducted under Regulations VII of 1822 and IX of 1833.<sup>13</sup> Anyway fourthly, the Court of Directors of the East India Company — without understanding that the plough as an implement could stand for a holding of uniformly productive land, precisely the subject of assessment — had expressly condemned the practice of assessment by ploughs.<sup>14</sup> In short, while it might be

<sup>12</sup> "By the ancient law of the country the ruling power is entitled to a certain proportion of the annual produce of every *bīghā* of land." These were the opening words of the first clause of Regulation XXXI of 1803 (quoted in Douie 1899:para.1). Metcalfe, in NWP (1872:209), understood this to refer to "every inch of cultivated land" (my emphasis).

In the 1840s Settlement records included both a household census (*khāna shumārī*) and a census of ploughs (*qalba shumārī*). Although earlier regimes had used the household census as an instrument of taxation (see Smith 1985:165) I do not know whether the term *qalba shumārī* had had similar connotations. Where the plough represented a uniform allotment of cultivation, a census of ploughs could easily have been used as basis for the assessment of land.

<sup>13</sup> See Hirst (1912), India (1905) and Phillimore (1945-58) for details, and Edney (1990) for the cultural values underlying the development of surveys in India.

<sup>14</sup> Despatches to Bengal, Revenue Department, 1830, 22nd December, no. 5, para. 16. Copies of this paragraph were circulated to all Commissioners in N.W.P. on the same date as a questionnaire concerning suggestions for the revision of Settlement procedure (some of which were incorporated in Regulation IX of 1833) (Revenue Proceedings, Bengal (Western Provinces), 1831, 24th June, nos. 17 and 23). In his reply to the latter, the Collector of Saidabad commented on the Court's objection to assessment by ploughs in the following terms:

expedient to support village coparcenaries, the idiom in which villagers calculated their capabilities with regard to the land was of no special consequence. Ploughs could be accepted as a local customary mode of allocating shares but were otherwise uninteresting.

### 7.1 Polyvalent and absolute measures

The idiom of ploughs had at its centre the relation of a cultivator to land. A plough stood for the man, the implement and the team of oxen combined; a plough of land was what a man would expect to be able to plough with one team of oxen in a day, or to cultivate with a team of oxen in a season. This was the basic formula. The number of ploughs a man had was a measure of what he could cultivate, a measure both of his capabilities and of the quantity of land under his cultivation. As a member of a community, the number of ploughs a man had, relative to the total number in the community, represented his share, the proportion he contributed to demands made upon the community, whether for labour or for cash, by the State or by the village. This was as much as he was capable of — the land a man cultivated was his livelihood, the number of his ploughs represented the extent of his means. Land however varied in quality. If ploughs, as land, were the only source of contributions to communal expenses, and contributions were to be based on capabilities, that is on the relative number of

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In this district the good, bad and indifferent lands of a bhyachara village are generally parcelled out in equal proportions, and one general rate per beegah is fixed... [This] rate is liable to the same objection as that urged in the despatch from the Honourable Court of Directors against the jumabundee on ploughs. The Honourable Court do not take into consideration the fact that whenever the plough jumabundee or the equal rate per beegah prevails, and has done for centuries, the village community will have almost always so provided for the fair distribution of the different qualities of soil that the pressure and the profit shall be shared with tolerable equality by all. (NWP 1872:332)

ploughs in the community, then those ploughs had to be of uniform quality. Ploughs were the source of production; ploughs measured maximum productivity (self-assessed); therefore ploughs should be uniformly productive. One plough had to be as good as any other in the community — or an equivalence between a good plough and a bad plough be formalized.<sup>15</sup> Land was therefore demarcated into fields of different quality and allotted to cultivators in such a way that every holder of a plough had the same amount of land in each field. A plough of land was then more than a measure even of quantity and quality combined; it represented a certain share to every type of land in the village, uncultivated as well as cultivated, in other words a share in the territorial estate. The basic formula however

<sup>15</sup> There is a record that this was done informally in one village of the sample studied. In L-76, (2.) held one "plough" in a *paṭṭī* of 31 $\frac{3}{8}$  "ploughs", of which 19 $\frac{7}{8}$  were held by tenants. Unlike most shareholders, whose plots were all intermingled, (2.)'s holding consisted of just two plots located on the eastern edge of the village. Gokul Kumar recorded that because (2.)'s land was poor he contributed only  $\frac{3}{4}$ , the remaining  $\frac{1}{4}$  being met by all the shareholders jointly ("is *shakhṣ* ke *pās arāzī nāqīṣ hai*,  $\frac{3}{4}$  *us se liye jāte haiṁ*,  $\frac{1}{4}$  *sab ḥiṣṣadārūn us ke 'iwaṣ apne pās se dete haiṁ'*"). It seems that this was a temporary arrangement, more like the occasional adjustment of balances described as *bhej barār* by Rose (1852) than a definite assessment, within the village, of differences in the quality of land; for nothing was mentioned in subsequent Settlement papers, and (2.) remained in possession of his two plots.

Where ploughs were taken as the basis of assessment by the State the rate of assessment would usually have varied, or an equivalence between good and bad ploughs been acknowledged, from one tract of country to another (as in the example quoted in footnote 5 above). Within a village, however, I think the ploughs would still have been equalized by the system of allotment.

Where the *bīghā*, rather than the plough, was the idiom in which shares were expressed and/or the State based its assessment, its local size might differ not only from the State's standard and from one community to another within a village but also, according to some reports, from soil to soil. Thus one of the Settlement Officers of district Hamirpur wrote in 1842 as follows: "Certain fields were said to contain a specific number of bigahs without reference to any positive measurement; for the relative size of the bigah would often differ in the same village, according to the goodness of the soil" (Allen 1846:para.59).

was the same. Shares represented capabilities. The plough was a measure of what one man could cultivate with a single team of oxen.

The idiom of ploughs was thus an idiom of capabilities. The idiom required a system of allotment of land in equally-valuated holdings. It was not an idiom in which land holdings derived primarily through inheritance, the size of a person's share corresponding to his position on a family tree. The kind of field pattern, of which we have given examples, was not a product of repeated partitions of what had once been a few integral holdings — generally referred to as fragmentation<sup>16</sup> — but of deliberate acts by communities of cultivators to distribute amongst themselves the benefits and liabilities of agriculture in a way which they considered fair.

At heart is an issue of village autonomy. A man did not stand alone before the land, nor did he stand alone before the State; he was always a member of a community, or rather of a nest of communities. It was the community which demarcated the land; which certified the relative capabilities of its members; and whose representatives negotiated with the State. The idiom of ploughs allowed a community to adjust to changing internal and external conditions without disturbing the basic equation of a man to the land. A sudden increase in the State's demand could be distributed evenly over all members, if necessary by adjusting the relative proportions of their ploughs to their new circumstances, and altering the relative widths of their strips in each field accordingly. The total number of ploughs in a community could also be increased or decreased as the membership changed, without disturbing the holdings of those that remained. The polyvalence of the idiom was its strength. Where ploughs formed the basis of the external

<sup>16</sup> For a summary of the debate about the origin of fragmentation in open field systems in England see Dodgshon (1981); and for a rare application to India see Charlesworth (1983), who interprets district-level variations in agricultural development in the light of local differences both in ecology and in the form of fragmentation of holdings, one form being "a division into strips" (p.194) which was "the only way of guaranteeing most cultivators a share of the better soil" (p.200).



assessment by the State it was the community, through its headmen, which negotiated with the State what ploughs were eligible for assessment and how they were to be counted. Whether those ploughs meant the same for the State as for the shareholders was a different matter.

To the British, a system of distributing land on the basis of capabilities could seem only the result of an oppressive tax burden, "a necessity to which the people have been reduced by circumstances beyond their control", not "a custom adopted by the people of their own free will".<sup>17</sup> Furthermore, when different village prescriptions were multiplied over a locality the idiom appeared chaotic. In one village a plough-team was reckoned at two oxen, in the next at four. One community was made up of 8 ploughs; another in the same village, and bearing the same revenue load, was made up of 12½.<sup>18</sup>

Imputing former regimes with chaos and oppression are familiar ways of justifying new forms of government. British administration in India, however, was not marked by as clean a break with the past as officials liked to think, something which historians have increasingly emphasized.<sup>19</sup> The picture is more haphazard: of grafting new forms of government onto native institutions, in the manner enjoined by Dalhousie, but leaving out some of the parts; of relying upon local expertise, but not always coordinating its separate domains;<sup>20</sup> of acknowledging native categories, but, in the process, altering the balance between them within their semantic context.<sup>21</sup> Continuity of a sort was guaranteed by

<sup>17</sup> Rose (1852:82, para.43), regarding the custom of periodically reapportioning collective liability, known as *bhej barār*, not specifically regarding allotment by ploughs.

<sup>18</sup> This example is taken from L-183, where two other *tholas* bearing the same revenue burden had 9¼ and 12 ploughs respectively. See Table 8.1 on page 329.

<sup>19</sup> See, for instance, Ray (1988) summarizing recent approaches to the history of Bengal, and Ludden (1985) concerning South India.

<sup>20</sup> Perlin (1985:441,446-7) concerning Maratha state formation in the eighteenth century, but applicable also to the introduction of British rule.

<sup>21</sup> Dirks (1985) and Frykenberg (1977).

the emphasis placed in administration upon the acquisition of local knowledge. But, simultaneously, disruption was also assured, by the different forms which that knowledge took, and by the elevation of some forms over others. Efforts to understand existing systems of land tenure were at the heart of land revenue administration in north-west India. But the real innovation of Regulation VII of 1822 was, not so much to encourage district officials to leave their courtrooms and get to know the fields, but the contradiction within that process, by which those fields, as facts, were reduced to record and brought back to the courtroom.

To maintain an idiom like the plough in all its polyvalent integrity a government would have had to deny its imperative to classify and know – let alone administer – conditions relating to agriculture within a village; it would have had truly to delegate its authority to village councils, including the authority to certify what measures were used and how. The imperialism of knowledge was, even unintentionally, a greater leveller of the sources of local power than the supposed oppressiveness of former regimes. Ploughs as shares were no trouble: they could be preserved as local custom appertaining to a category – that of proprietor – defined in law. But ploughs as a measure of self-assessment with regard to the productivity of land could only give way to objective criteria. Soils had to be classified. The area of every plot of land had to be measured in absolute terms. A modern, Western government,<sup>22</sup> committed to extract as much as possible from the land while leaving the occupants "a contented and thriving element in the State", could not but impose absolute measures. Measurement was a technical, scientific matter, without social consequences. To write that "indirectly the people have assessed themselves", as the Settlement Officer of Ludhiana did, after close to 2,000 words describing the care with which he first checked the accuracy of field

<sup>22</sup> Uberoi (1978:24).

measurements and then prepared every kind of statistical abstract, was a chimera.<sup>23</sup>

In his book on measures Witold Kula has analysed the contest of wills between village and State, and between peasant and lord, over the standardization of measures. Kula's examples are drawn mainly from Poland and France, although he says "metrological chaos" was a feature of all preindustrial societies. To this feature he has "no hesitation in applying the concept of class struggle".<sup>24</sup>

I do not know of evidence of direct or protracted conflict over measures in north-west India when British rule was introduced.<sup>25</sup> That does not mean such conflict did not exist.<sup>26</sup> But from the example of the *bhātachārā bīghā*, where apparently the Mughal Imperial standard had been adapted to the social requirements of communities within a village by a village, the relation between village and State may have been such that conflict over measures had taken different forms. The relation between village and State in India was not feudal.<sup>27</sup> If the situation in India did differ from that in Europe at a comparable period then I suggest

<sup>23</sup> Davidson (1859: paras. 47 and 44), emphasis original.

<sup>24</sup> Kula (1986: 127).

<sup>25</sup> See however Jhirad (1968) concerning riots attending the survey in 1852 of Khandesh in western India.

<sup>26</sup> In the measurement papers of the 1853 Settlement of one village in the locality of Ludhiana, L-45, there is correspondence concerning a conflict between the surveyors and the headmen of the village, in which the latter claimed that the surveyors had made extortionate demands, and the surveyors claimed that the headmen had not allowed them to get on with their work, and had even locked them up and physically assaulted them. The surveyors were transferred, one to another village, L-85, the other to prepare the household census (*khāna shumārī*) of Ludhiana town (along with the person who had just completed the survey of L-68 and L-69). The exact issue in the conflict is not clear from the correspondence; in any case, measurement of L-45 was completed by a different surveyor soon afterwards. I am sure that such instances could be multiplied. The measurement papers were supposed to have been destroyed on the completion of the 1853 Settlement; only those for a few villages of the locality have been preserved; and most of those related to the normal course of measurement proceedings.

<sup>27</sup> Byres and Mukhia (1985).

that the difference is signified partly by the degree of polyvalence of the local measure. Beyond saying that "feudal measures", and the coexistence of different methods of measuring, had "profound social significance",<sup>28</sup> Kula does not analyse whether this was because a measure had one particularly strong significance — leading inevitably to a contest of wills — or because it had a range of different meanings. Kula gives the impression that each party had a common understanding of what a measure was; and that where the parties disagreed was over ways of measuring and over quantities. In our case, however, the plough stood for an implement, a work team, a measure of a cultivator's capabilities, a measure of land, a unit of equally-valuated cultivation, a share in a corporate community, and an index of social organization. There was no contest in the Panjab when measures were standardized by the British, firstly, because there was no single arena in which the contest could take place, since the local idiom had always existed alongside that of the State; secondly, because measurement was a technical aspect of Settlement, distinguished and separated procedurally from the judicial aspect of conferring rights; and thirdly, because for some purposes the local idiom of the plough was made officially welcome. Claims to land were open to dispute but the terms of measurement were not. "Ploughs" were to be a traditional way of expressing proprietary shares, nothing more. Thus, some of the branches of polyvalence were broken while others were retained, pruned to give a new fruit. As a convention for expressing shares, the plough became transformed into a badge of ancestral proprietorship, acquired ideally through descent. As a measure of productive capabilities, on the other hand, the plough was not even given a hearing: the land was measured and assessed for its productive capacity, while the people became known in other terms. Deprived of its roots the idiom lost its elasticity and became atrophied.

It was no longer the community which decided the terms of reference of the plough, but the State. There was some

<sup>28</sup> Kula (1986: 127).



debate before Regulation VII was revised in 1833 whether field maps could or should be prepared for every village, though it was not a big issue.<sup>29</sup> To farmers and villagers the layout of fields on the ground already acted as a map of the social, economic and political conditions of a village, unified in a system of equalized allotments whose idiom was the plough. Symbolically, when this map was transferred to paper, for consultation in the *patwārī*'s office or in the records room of the *tahsīl* or district, the power of a community to regulate its affairs in its own way was transferred with it.

## 7.2 The idiom of ploughs when rent or revenue was paid in kind

In the previous section it was argued that the idiom of ploughs expressed how much land was worked with a given input of human and animal labour; and that if the plough was taken as the unit for calculating contributions to a common demand, some equalization would be expected in order to even out differences in the quality of land. One way of doing this might be for all the cultivable land of a village to be divided up into two or three large fields between which crops could be rotated from year to year, for instance in a three crop cycle of wheat, legumes and fallow, and then for each member of the community every year to be allotted randomly a strip in each field. This would be diachronic equalization, involving an annual reallocation of holdings, if not also regular change in the relative size of holdings (shares) as individual and collective resources changed (both the number of ploughs an individual brought to cultivation in any given year and the total number of ploughs in the community). Over time, differences in the quality of soil

within any one field would be distributed evenly over the community since each year the lay-out of strips would be random, hence different. Later we shall discuss the extent to which this operated in the region and the factors which might impel a community to choose one kind of equalization rather than another. Diachronic equalization involves a high degree of communal discipline, it may be noted, particularly over harvesting, if every strip in a field is to be cultivated with the same crop, in order to prevent animals grazing on one harvested strip from straying to an adjacent unharvested crop. The dependence of a community on a mixed economy of arable farming and herding would surely be one factor behind the method of laying out fields.

The evidence of field maps of villages around Ludhiana, however, shows that another way of equalizing holdings was generally adopted in this locality at the time of which we are speaking, which we may call by contrast synchronic equalization. In this kind of equalization there might be several levels of subdivision, depending on the size and composition of the community; and the number of fields within which everyone would be allotted a strip would be greater. Essentially, instead of differences being evened out over time they would be evened out over space, and the random allotment of strips within each field would remain unchanged for a number of years. The internal structure of a shareholding community would remain engraved for a number of years in the pattern of allotments on the ground. Again, we shall be discussing later the length of time an allotment might have been expected to last, and the factors which might impel members of a community to call for a complete reallocation, for instance if a sense of inequity developed because shares no longer corresponded exactly with the land occupied. Here the form of crop rotation does not appear to have been a critical factor in the demarcation of fields (the larger blocks of land within each of which every member of the community had a strip). But other factors, such as drainage, distance from the village site, the presence of a small depression in the land perhaps or a stream, could all be taken into account and could produce a lay-out with

<sup>29</sup> See, for instance, replies to the questionnaire circulated in 1831 by the Sudder Board of Revenue, N.W.P. (referred to in footnote 14 above), together with the comments of Commissioners and the recommendations of the Board, in N.W.P. (1872:336,347,362).



far finer gradations in the quality of land from field to field than any abstract scheme of soil classification could capture. Determination of which factors would be taken into account rested within the community, which assessed for itself the productive capacity of all the different kinds of land in its territory. It is difficult to avoid the impression of village autonomy and of a non-intrusive form of rule: that synchronic equalization was ideally suited to a system of taxation whereby a lump sum would be demanded from a village as a whole and the village would be left to manage for itself how the sum was to be apportioned within the community. This supposition must now be examined in greater detail.

In most of the villages around Ludhiana the majority of cultivators were made proprietors at the first Settlement, paying revenue through their headmen directly to the government. Those who were awarded only rights of tenancy had also usually been shareholders, however, cultivating equally valued holdings like the proprietors and contributing to both government revenue and village expenses according to their share. In most cases, after the first Settlement, the only 'rent' such tenants paid continued to be a due proportion of the total revenue, although this was now calculated from the relative area of their holdings rather than from their shares, which for tenants were not considered a measure of right. Since revenue was paid in cash and assessments were fixed on whole villages, the most obvious function of the shareholding system, from the government's point of view, was thus to apportion the revenue amongst shareholders. From this the inference might be drawn that the method of allotting land in equally valued holdings was a direct response to demands by the State for cash; and that without an equalizing allotment a village would be incapable of bearing the revenue burden.<sup>30</sup> The idiom of capabilities would then be seen as a squashed

<sup>30</sup> A similar argument is used by Firestone (1981) to explain the custom of regular reallocation on jointly held land (*mushā'*) in parts of the Middle East.

version of some more natural idiom. The view commonly held by the British, that the oppressiveness of former regimes had caused a levelling of distinctions amongst cultivators, would also be endorsed.

Such conclusions may be right or wrong. But the perspective from which they were made should not go unchallenged, since a false picture is implied both of how ploughs related to capabilities and of how they functioned as shares. All that was of concern, in such a view, was the plough as an 'algebraical symbol', with the village as revenue paying unit rather than with the cultivator, or with the way a community realized its collective burden rather than the way an individual managed his household economy. But from the standpoint of the community, the idiom of ploughs expressed the concerns of domestic production: of ensuring enough to live on when all dues were met, not of expediting the flow of revenue to government coffers. Where ploughs expressed how much land was worked with a given input of human and animal labour, the idiom was one of subsistence whatever the external conditions. Fair-share allotments in terms of ploughs ensured that everyone's yield would be exactly proportional to his means.

The examples of field systems given in previous chapters were taken from villages where the revenue was paid in cash and most of the shareholders were proprietors. However there were some villages in the sample around Ludhiana, held as revenue assignments in *jāgīr*, where the proprietors continued to pay revenue in kind for the first few years of British rule. There were also some landlord villages where the tenants paid their rent in kind yet the pattern of their fields suggests an equalized allotment like that of any *bhāitachārā* coparcenary. It is not necessary to rehearse again here questions about the distinctions between tenant and proprietor, revenue and rent, introduced at the first Settlements. Although the exact manner of collection in *jāgīr* and landlord villages is not documented it is generally understood that the ruler's share of the produce was put aside on the threshing floor as each cultivator finished threshing his crop. Where the standing crop was appraised



for a whole village (*kan* or *kankūt*) a cultivator's measure of ploughs may perhaps have determined the proportion of the gross estimate, in kind, that he would have to set aside from his own crop.<sup>31</sup> But when the crop was divided on the threshing floor the reckoning was not in ploughs, even though the idiom did prevail and allotments were equalized. Here then we see the purpose of the field system from a reverse perspective: not the revenue first and then the system, but first the land and then everything which derived from it or was put upon it by way of charges. In other words, the form of the revenue and other charges did not matter: the margin of production — between what each shareholding unit could produce and what it had to give out in costs, dues and charges — was always slender, and always had to be equalized by means of the allotment system. Neither the insecurity of agriculture, the suggestion of Stokes,<sup>32</sup> nor the weight of the revenue burden determined the method of allotting land, in any absolute sense, for both were inseparably part of the plough idiom.

Of villages in the sample which were held in *jāgīr* Gokul Kumar's preliminary reports exist for five: L-64, 84, 85, 86 and 89.<sup>33</sup> Each report mentioned ploughs, although in slightly different ways. For L-64, 84 and 89,  $\frac{1}{3}$  of the crop was taken as revenue by an actual division on the threshing floor (*baṭāṭ*), but the village expenses (*malba*) were distributed on the basis of ploughs, whose number was stated

<sup>31</sup> The phrase "*kankūt halsāra*" occurs in the *taḥṣildār's* assessment report of L-181, dated 1851, suggesting appraisal by ploughs. The full sentence goes: "*Sābiq meṁ mu'āmila is gānw kā ba-ṭaur baṭāṭ wa kankūt halsāra wa mushakḥkhaṣa hotā rahā.*" However I have some doubt about my reading of *halsāra*. Although the *taḥṣildār's* assessment reports were stereotype in form and language this was the only mention of *kankūt halsāra* in 94 such reports examined. One variant of the sentence, for L-25, went "*yaum-i ābādī se dīh hāzā meṁ mu'āmila sarkārī ba-ṭaur baṭāṭ wa kankūt-i khām wa mushakḥkhaṣa hotā rahā*"; another went "*amal-i khām wa kankūt wa mushakḥkhaṣa*" (L-35); and another (L-41) "*ba-ṭaur 'amal-i khām wa baṭāṭ ba-ḥiṣṣa tilhār [trihār?]*".

<sup>32</sup> Stokes (1978:7).

<sup>33</sup> See Map 3.2 on page 90 for details concerning these *jāgīrs*.

in each case.<sup>34</sup> The phrasing of these reports shows incidentally how ploughs could still be thought of in relation to the allotment of land even if revenue was paid in kind. Thus, the report on L-84 stated that the cultivators "divide the crop from the  $22\frac{1}{2}$  'ordinary' ploughs in the village".<sup>35</sup> Here the land of the revenue-payers was referred to in ploughs although the revenue itself was in kind. In Gokul Kumar's report on L-86 this point comes out more clearly, for the report stated that the  $36\frac{5}{16}$  'ordinary' ploughs in the village were the "property and liability of all the shareholders" ("*aur 36 $\frac{5}{16}$  hal khām khewaṭ aur milkīyat jumla ḥiṣṣadārān kī hai*"). On the other hand, no mention was made of how the village expenses were apportioned in either L-85 or 86, villages held by the same *jāgīrdār*. The report of L-85 said that the  $93\frac{5}{8}$  'ordinary' ploughs in the village were divided unequally between two *paṭṭīs* ( $43\frac{7}{8}$  to  $49\frac{3}{4}$ ) but that each *paṭṭī* "contributed equally" ("*har do paṭṭī nisfā-nisf dete haiṁ*"). Here the ellipsis is different. The form in which revenue was taken in L-85 depended on the season and the crop. Cash was taken for cultivation of green fodder (*charī*) and cotton (*bārī*) per unit area. Grain crops however were divided: the *jāgīrdār* took  $\frac{1}{3}$  at the Spring harvest by *baṭāṭ* but  $\frac{2}{5}$  at the Autumn harvest by appraisal (*kan*). The equal contributions of the two *paṭṭīs* must have referred to the process of appraisal.

It has been noted before that the regulation of village expenses (*malba*) was sometimes cited in the 1882 village histories as the reason for subdividing a village by shares

<sup>34</sup> In L-64 the apportionment was over a specific area of land measuring 38 *ghumā'o* as well as over the  $107\frac{1}{4}$  'ordinary' ploughs (*hal khām*). The extra area was probably that of a lapsed grant. Note that the distinction between *khām* and *pukhta*, applied to ploughs, will be translated as 'ordinary' and 'full' for the remainder of this chapter.

<sup>35</sup> The last three sentences of Gokul Kumar's report on L-84 go as follows: "*Jāgīrdār ba-dasūr ab tak siwum ḥiṣṣa kī baṭāṭ letā hai aur dasotra in'ām apne ḥiṣṣa se lambardārān ko detā hai; aur is gānw meṁ kullu-hum 22 $\frac{1}{2}$  hal khām haiṁ, kī un kī baṭāṭ dete haiṁ aur dhār bāchh malba kī usī par hoī hai; aur tīn paṭṭī is gānw meṁ muqarrar haiṁ. Faqat.*"

into *pattīs* and *tholas*.<sup>36</sup> Other reasons cited were, principally, to "facilitate the payment of revenue" and also to regulate the partition of uncultivated commons and to determine quotas of *begār*.<sup>37</sup> Now, in the examples from *jāgīr* villages, the shareholding system is confirmed as having functioned independently of the manner in which revenue was collected. It was the shareholders who managed the affairs of a village and, in the words of the 1848 constitution of L-188, to them belonged the profit and loss.<sup>38</sup>

In landlord villages where almost all the cultivation was done by tenants a formal constitution of the tenant community, as an independent coparcenary, would hardly have been given a prominent place in the records of any rule of property.<sup>39</sup> As Map 5.1 showed (facing page 188), the estates with the highest proportion of cultivation under tenants were mostly the urban estates of Ludhiana town. For these urban estates there are almost no traces of any systematic allotment of land amongst the cultivators; and "ploughs" were not mentioned in any record. For one or two other landlord villages in the vicinity of Ludhiana, however, plough measures were registered by Gokul Kumar against the names of tenants, although it is not always certain that the land had been systematically allotted to them. If in these villages ploughs did not serve as shares — if rent was taken in kind and village expenses were apportioned in some other way — then what function did they have? Three examples of landlord tenures will be presented in order to explore this question. In the third example the opposite configuration occurred to that in the other two: land had been allotted to the body of tenants by what appears to have been the system of equal valuation but there was only the most incidental reference in the records to the idiom of ploughs and no further evidence of corporateness.

<sup>36</sup> See page 142; also Temple (1854:para.188), quoted on page 22.

<sup>37</sup> See pages 142 and 245, footnote 11.

<sup>38</sup> See page 263.

<sup>39</sup> But for an interesting example of a tenant coparcenary see footnote 45, page 273.

## L-102

L-102 was owned by two brothers whose home farms (*khudkāshī* holdings) in 1853 comprised, by area, exactly one-fifth of the total cultivation, the rest being under tenants. During the course of the 1853 Settlement one brother died and there was a partition of the village into two equal *pattīs* between the surviving brother and the deceased's three sons. In the process tenancies were allocated to one or other *pattī* or were split unevenly between the two. But at the time of Gokul Kumar's preliminary registration the tenure had been pure 'landlord' (*zamīndārī*), with a single proprietary holding which contained all the tenancies. All tenants paid  $\frac{1}{3}$  of the crop by *batāī* as rent and contributed nothing towards village expenses (*malba*), which were met by the landlords. Yet in the tenant register under the column headed "amount of land" (*ta'dād-i zamīn*) a measure of ploughs had been recorded by Gokul Kumar against each tenancy.<sup>40</sup> Were ploughs used here just as a measure of area? If so it was extraordinarily inaccurate. From villages like L-181, 183 and 188, where land was allotted systematically, a very close correspondence was observed between the plough measure of a holding and its absolute area.<sup>41</sup> But when the plough measures of tenancies in L-102 are compared with their absolute areas, as recorded in the final registers of the 1853 Settlement, almost no uniformity is observed. For the 32 tenancies common to the preliminary and final Settlement registers the size of a plough varied from (15=3) to (53=3) *bīghās*, and there was no obvious clustering around one or even two values.<sup>42</sup> It is possible that at the time of Gokul

<sup>40</sup> No ploughs were recorded by Gokul Kumar in the register of proprietors, since the single proprietary holding comprised the whole village and the landlords alone paid the revenue.

<sup>41</sup> See for instance Figure 4.2, page 169, regarding L-181, and Figure 5.2, page 254, regarding L-188.

<sup>42</sup> One tenancy of  $\frac{1}{8}$  plough was abandoned between preliminary and final registration, and three tenancies were added which totalled (8=4) *bīghās*. In ploughs, the 32 tenancies common to both registers measured as follows:



Kumar's registration the land had indeed been laid out in regular allotments, but that the partition of the village into *paṭṭīs* caused field boundaries to be altered and fields to change hands. According to this interpretation the areas given in the final Settlement register cannot be compared with the plough measures given in Gokul Kumar's register since the field composition of tenancies had in fact changed. But against this is the fact that nine tenancies were divided between the two *paṭṭīs* in splintered proportions of at least ten to one. If the boundaries of fields were altered, why leave (0=4) *biswās* under a tenant in one *paṭṭī* whose holding in the other *paṭṭī* measured (19=13) *bīghās*?<sup>43</sup> All 33 tenancies registered by Gokul Kumar were occupancy tenancies, which were supposedly inviolate. In a village like L-188 where the revenue was apportioned on the basis of ploughs, minor adjustments to fields might be made during Settlement, in order to bring the areas of holdings into exact correspondence with plough measures. In other newly partitioned estates tenancies might be reallocated.<sup>44</sup> But

11 of 1 plough, 2 of  $\frac{3}{4}$ , 1 of  $\frac{2}{3}$ , 14 of  $\frac{1}{2}$ , 1 of  $\frac{3}{8}$ , 2 of  $\frac{1}{3}$  and 1 of  $\frac{1}{4}$ ; total  $21\frac{11}{24}$  ploughs. Variation in the area of a plough was distributed over 5 *bīghā* intervals between 15 and 55 as follows: 3, 2, 6, 7, 6, 2, 4 and 2. That is to say, there were 3 tenancies of between 15 and 20 *bīghās* per plough, 2 between 20 and 25 *bīghās*, and so on. The average size of a plough was (34-6) *bīghās*, but only 13 tenancies had a *bīghā*-to-plough ratio in the range 30-40.

In area, the landlords' home-farms comprised one-fifth of the total cultivation. Translated into ploughs the home-farms would have measured 5 to  $5\frac{1}{2}$  ploughs, in an overall allotment of 27 to  $27\frac{1}{2}$ . The similarity of this allotment with that in L-158 — see below — may not be a coincidence. The founders of L-102 and of the major *paṭṭī* in L-158 were brothers.

<sup>43</sup> Some idea of how the partition of L-102 was made would be obtained by examining the 1853 field map, which I neglected to do. It goes without saying, however, that detailed comparison of field boundaries before and after the Settlement is impossible since Gokul Kumar's registers did not include a field map.

<sup>44</sup> For instance in L-172, mentioned on page 110. Regarding Sialkot district, Prinsep — see page 238, footnote 3 above — considered that the Government was "bound ... to adjust possession and share"; and that ordinarily this was easy to accomplish, "as there is always some common

there is little evidence of the wholesale recomposition of tenancies at the 1853 Settlement. The conclusion has therefore to be drawn either that the correspondence between ploughs and area had broken down in L-102 before Gokul Kumar's registration,<sup>45</sup> or that ploughs as a measure of land (*ta'dād-i zamīn*) involved some other factor, such as soil-type. In any case ploughs had no remaining function in the village as shares.

### L-75

Somewhat similar to the case of L-102 was that of L-75. Here, according to Gokul Kumar, 16 of the 34 'ordinary' ploughs in the village were under tenants, all of whom paid rent in kind, while the revenue was distributed over the 18 ploughs belonging to proprietors. But in L-75 the tenants paid an additional levy in cash towards village expenses (*malba*) at the rate of one rupee per 'ordinary' plough.<sup>46</sup> There was also slightly closer correspondence between ploughs and area, despite as great a disruption to tenancies during the course of the 1853 Settlement as in L-102. However the ploughs of proprietors were slightly larger in area than those of tenants — a device reported also in Ferozepore, to make one group of cultivators pay at a higher rate than another group.<sup>47</sup> Thus, although the plough had

land under tenants from which the difference can be made up." Out of 1,485 estates in which revenue was paid according to shares Prinsep made this kind of adjustment in no fewer than 881 (Prinsep 1865:paras.344-5).

<sup>45</sup> In the final 1853 Settlement registers, 12 of the 33 tenants were said to have been cultivating "since the village's foundation", 3 for 40 years and 4 for 35-36 years. Land may once have been formally allotted but the shareholding system have subsequently become obsolete when the landlords assumed sole responsibility for the revenue. Again this is similar to what happened in the sister village of L-158.

<sup>46</sup> Gokul Kumar's report on L-75 ended as follows: "*Sab is gānw men 34 hal khām hai; is men se 16 hal khām kī baṭāṭ par taraddud hotā hai, us par ba-īwaz malba fī hal ek rūpaya liyā jāta hai; aur 18 hal jo ta'alluq mālīkān hai us par dhār bāchh mu'āmila sarkār kā hotā hai.*"

<sup>47</sup> Brandreth (1859:para.212).

retained some function in L-75, both to apportion expenses and to govern rights to cultivation, a distinction had become established between proprietary ploughs and the ploughs of tenants.<sup>48</sup>

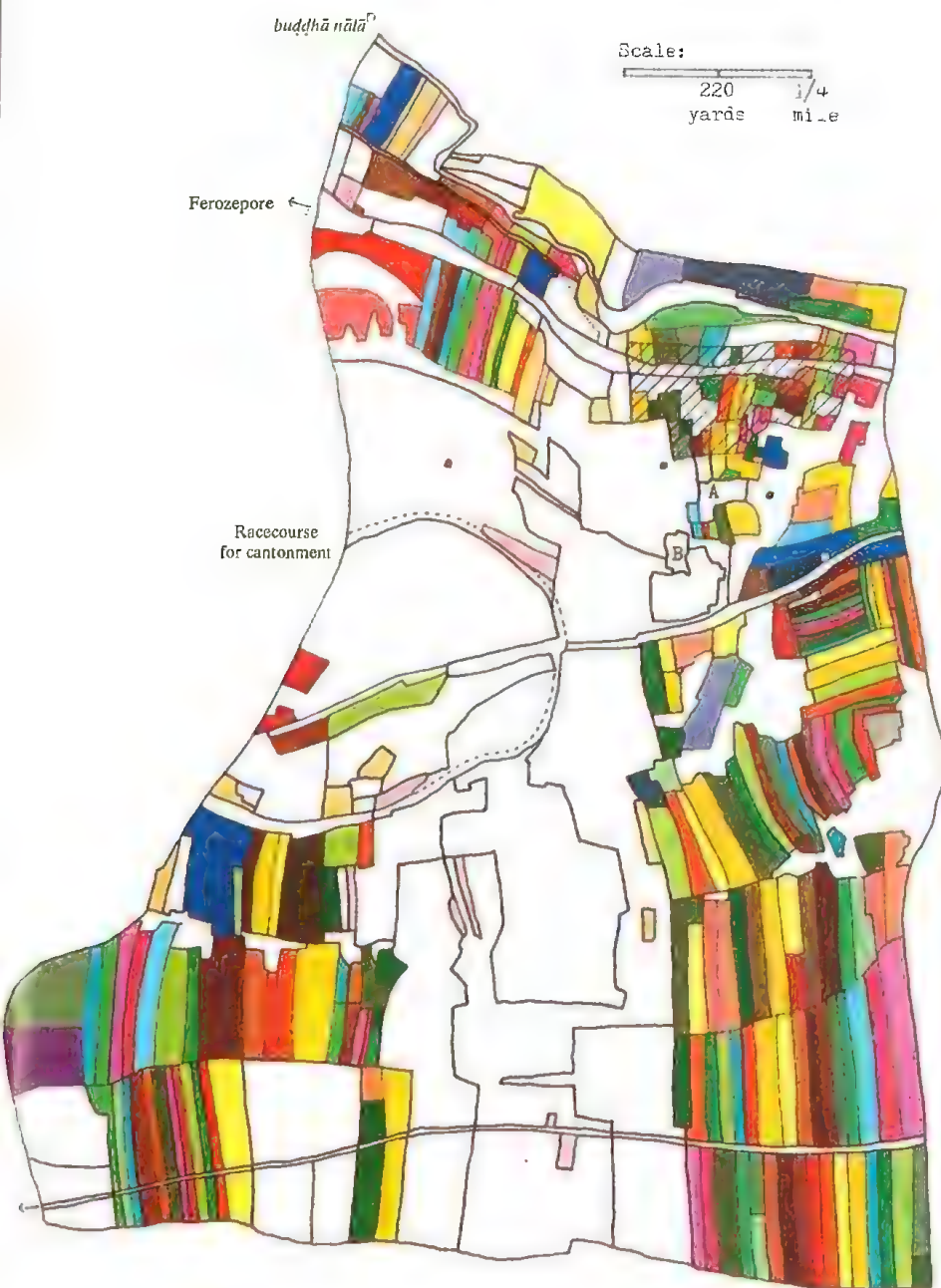
### L-158

L-158 was divided into two *paṭṭīs*, of which one was held *zamīndārī* by two brothers and an unmarried sister, the father's brother's children of the landlords of L-102. In 1853

<sup>48</sup> The details are as follows: Initially 20 tenancies at will were registered by Gokul Kumar within the common holding of the village (*shāmīlār dīh*), on 16 ploughs. A further 18 ploughs were held by proprietors: 13 by the principal landowning family, already partitioned into separate holdings, including 1 plough held by an affine (sister's son); 2 by a second family of the same clan as the main family; and 3 by individuals belonging to a different clan, in 3 separate holdings of 2,  $\frac{1}{2}$  and  $\frac{1}{2}$  ploughs respectively. During the course of the Settlement these last individuals were relegated to the status of occupancy tenants, although they continued to pay a share of the revenue as their rent; 6 new tenancies were registered, on (33=6) *bīghās*; while, of the 20 original tenancies at will, 2 became amalgamated with other tenancies (one because father and son had previously been registered separately, the other because a brother had become "*mafrūr*") and 12 were made occupancy tenancies. All of these tenancies were allocated to one or other of the 7 proprietary holdings, as in L-102; two became split between holdings. Quite apart from this, several members of the main landowning family were *mafrūr* or in jail. In short, holdings were dislocated and a close correspondence between ploughs and area cannot be expected.

For the 7 surviving proprietary holdings the area of a plough ranged from (17=8) to (29=14) *bīghās*, with (23=1) *bīghās* the mean (total cultivated area over total number of ploughs). The 3 holdings which were relegated to occupancy tenancies had values (17=18), (22=10) and (26=6) *bīghās* per plough, with a similar mean. The 18 other tenancies, including the two amalgamations, had the following sizes in ploughs: 3 of  $1\frac{1}{2}$  ploughs, 5 of 1, 6 of  $\frac{3}{4}$  and 4 of  $\frac{1}{2}$ . For these tenancies the range of plough values per holding was from (6=10) to (27=8) *bīghās*; but if the two values at either end are discarded the range shrinks from (13=13) to (22=16) *bīghās*, with (17=15) *bīghās* the mean. Thus there was a general correspondence between the size of a holding in ploughs and its absolute area in *bīghās*; but the mean area of a tenant's plough was about  $\frac{3}{4}$  that of a proprietor's. As with L-102, examination of the field map would have provided valuable further evidence.





Map 7.1 L-158: tenants' allotments in the landlords' paṭṭī, 1853.

### Key to Map 7.1

Paṭṭī-A :  $\frac{3}{5}$  of village : (843=13) bīghas

- (115=17) "khuḍkāshṭ" by the landlords in (.1)-(.2)
- (267=0 ) cultivated by occupancy tenants in (.3)-(.16)
- (263=13) cultivated by tenants-at-will in (.17)-(.31)
- (195=8 ) uncultivated

(1=15) owned revenue-free by a Madari Faqir who looked after a saint's shrine (dargāh)

A small block of the landlords' paṭṭī, (30=16) bīghas, was held in a revenue-free assignment of one-quarter of the produce by Baba Jit Singh Bedi of Hoshiarpur. This is shown with hatched shading.

Each paṭṭī had its own residential site, marked A and B.

#### owners

- (.1) (115=17) "khuḍkāshṭ" by the landlords
- (.2)

#### occupancy tenants

- (.16) (2=0 )
  - (.9) (9=3 )
  - (.6) (8=10)
  - (.7) (19=14)
  - (.12) (9=12)
  - (.3) (20=19) brother's son of (.12)
  - (.11) (5=19) Arain
  - (.13) (23=4 ) Arain
  - (.5) (29=13) Arain
  - (.14) (45=8 ) Arain
  - (.15) (16=18) Rajput
  - (.10) (36=10) Rajput
  - (.8) (20=8 ) Rajput
  - (.4) (19=2 ) Rajput
- These tenants (all Rajputs) also cultivated most of the land in Ṭhola-a of Paṭṭī-B (owned by two Pathan brothers)

#### tenants-at-will

- (.31) (26=18) Rajput
  - (.26) (26=4 ) Arain
  - (.23) (15=0 ) Arain
  - (.22) (17=17) Arain
  - (.21) (33=7 ) Arain
  - (.30) (18=12) Shaikh
  - (.17) (19=15) Rajput
  - (.27) (18=15) Rajput
  - (.19) (16=15) Rajput
  - (.18) (16=6 ) Arain
  - (.29) (8=7 ) Rajput
  - (.25) (9=6 ) Rajput of L-102
  - (.20) (8=14) Rajput of L-102
  - (.24) (10=15)
  - (.28) (17=2 )
- Arain owners in Ṭhola-b of Paṭṭī-B

#### mu'āfīdār

- (2.) (1=15) Madari Faqir

five-sixths of the cultivation in this *pattī* was under tenants, half of whom had hereditary rights. But already by then there had been readjustments to holdings, and in the original allotment the landlords' share of cultivation was more likely to have been  $\frac{1}{5}$ , as in L-102.<sup>49</sup> In any case, the field map opposite shows that the landlords' home farms consisted of a series of strips, exactly like the holdings of tenants although larger. Two other features of the field map are relevant to the present argument. Firstly, there is little difference in form between the holdings of occupancy tenants and those of tenants at will. Since the legal status of tenants was decided in 1842-44 by the duration of their tenure (rather than by the form of their holdings) and since the duration of their tenure was recorded in 1853, an approximate date of the late 1830s may be inferred as the date when land was formally allotted. This date is confirmed by the historical account of the village recorded alongside the 1882 Genealogy of Proprietors. The second feature to note from the field map is simply the regularity of holdings, which is reflected in the regularity of holding sizes in *bīghās*. Because of this, it is possible to ascribe fictitious plough measures to the 26 tenancies common to the 1842 and 1853 registers, as well as to the landlords' home farms: the latter measured approximately 5 units in a total allotment of some 27, with tenancies ranging from  $\frac{1}{4}$  to 2 units, and the average size of a unit being around 22 *bīghās*. The details are not important. The point is that land was allotted regularly. Yet, as in L-102, there was little evidence of continuing corporateness between those who had participated in the allotment.

<sup>49</sup> It was noted in Section 4.3 that cultivators were reluctant to assume responsibility for a cash assessment in L-158. At the 1839 Summary Settlement an initial revenue contract was refused by one of the four people named (who subsequently was registered only as an occupancy tenant); and by 1842 the other three, having in 1839 taken on shares of  $\frac{1}{2}$ ,  $\frac{1}{4}$  and  $\frac{1}{4}$ , had altered them to  $\frac{3}{5}$ ,  $\frac{1}{5}$  and  $\frac{1}{5}$ . From the field map it appears that the adjustment of shares was made not by a general reallocation but by transferring individual fields, such as those belonging in 1853 to (.24) and (.28), which were isolated from the main bulk of the *pattī*'s land.



Rents were taken in kind, as in L-102 and L-75. The expenses of cultivation — the landlords' special dues and the dues of village servants — were taken per *man* of grain on the threshing floor.<sup>50</sup> Village expenses (*malba*), on the other hand, were met by taking cash per *bīghā*: "One *ānā* is taken for every full *bīghā* of cultivation, whatever the crop, as well as a bundle of straw, weighing 32 full *ser*, and a load of maize stalks for every plough, without regard to area."<sup>51</sup> Without regard to area: this seemingly innocuous phrase contains the key to the idiom, for these ploughs were teams of oxen, units of work, not the conventional shares of L-75 and elsewhere. Clearly ploughs could signify equalized area in L-158 as well as anywhere else.

The three examples may now be placed alongside each other on a continuum. In L-102, the ploughs of tenants were registered by Gokul Kumar but appear to have served no existing function and to have lost all correspondence with the extent and quality of cultivation. No contributions were taken from tenants for *malba*, whether per plough or per *bīghā*. In L-75, by contrast, the ploughs of tenants still denoted a measure of equalized cultivation, but the measure was smaller than for proprietors' ploughs and was not used for the apportionment of revenue. Tenants in L-75 contributed towards expenses of the village at the rate of one rupee per plough. Finally in L-158, holdings were equalized in terms of quality but there is no evidence of the cultivators continuing to act corporately. At no time were ploughs officially registered in L-158. A part of tenants' contributions towards *malba* was, however, made per working plough, and it was necessary explicitly to state that this unit had no relation to the extent of cultivation, as if otherwise there were likelihood of confusion.

In these examples, where rent was taken in kind, and in the examples of *jāgīr* villages, where it was the revenue

which was taken in kind, the purpose of equalized allotment can only have related to the internal economy of the village, to ensure that the rate of return from a plough of cultivation was equal. However much was taken from the cultivator, in whatever form, the system of equalized allotment already balanced needs against capabilities, in an idiom of subsistence.

### 7.3 Plough-teams as shares: a dispute over tenure in L-81

If cultivators in L-158 had been more willing to pay their share of the revenue in cash, ploughs would perhaps have been recorded as the basis for apportionment, since holdings were already equalized. By contrast in L-81, when the village first came under Settlement in 1848 cultivators expressed a desire to pay rent or revenue in cash, because this was taken as an attribute of hereditary title to land; and for a short period before the 1853 Settlement the revenue was collected on the basis of the number of actual working ploughs in the village. But this caused a rupture in the village and a dispute over the form of tenure, in which the existing headman was ranged against almost all the other cultivators led by the junior branch of the headman's family. Land had not been allotted systematically in L-81, holdings had not been equalized, and plough-teams could not be sustained as a fair basis for apportioning the revenue demand. The dispute in L-81 is interesting for the light it throws on the award of proprietary title. Had the dispute been resolved differently, there might have been a partition of the village into two *pattīs* and a formal allotment of land into equalized holdings according to the number of working ploughs. The case of L-81 thus provides a further link in the chain of polyvalence of ploughs, which in different circumstances might have been invoked to enable a miscellaneous body of cultivators to become a proper coparcenary.

<sup>50</sup> For the details see page 72 above.

<sup>51</sup> "Ek *ānā* fī *bīghā* *pukhta* har jins par *bābat* *malba* ke *liyā* *jātā* hai, aur ek *panḍ* *bhūsa* *ba-wazan-i* 32 *ser* *pukhta* aur ek *bharī* *ṭāṇḍa* *maka* fī *qalba*, *bilā* *lihāz* *kam-o-besh* *zamīn* ke, *lī* *jāī* hai."

Before 1847 the revenue of L-81 and of neighbouring L-79 had been assigned to Baba Jagannath of Dera Baba Nanak. The two villages were therefore not assessed at the 1842 Settlement although both belonged to *pargana* Ludhiana.<sup>52</sup> In 1846 the *mu'āfīdār* died and, after appeals by the *mu'āfīdār*'s brother had been rejected, the villages were resumed. Summary Settlement papers were prepared at the end of 1847, under the direction of Larkins. Regular Settlement papers were prepared in 1848, also under Larkins, on the terms of the 1842 Settlement of *pargana* Ludhiana. Finally, full Settlement papers were again prepared between 1850 and 1853 under Davidson. Land titles registered in the final Settlement records of 1853 were not subsequently overturned. But between 1847 and 1853 several changes are evident. In particular the 1848 Settlement files of both L-79 and L-81 contain petitions, cross-examinations and orders relating to claims made by cultivators against the headmen. In each village the dispute took the same form and was treated by the government in the same way, often with identical orders. A full analysis would also have to take account of the various court cases referred to in the 1853 Settlement records.<sup>53</sup> But for present purposes the 1848 files give a sufficient idea of the nature and form of the dispute in L-81.

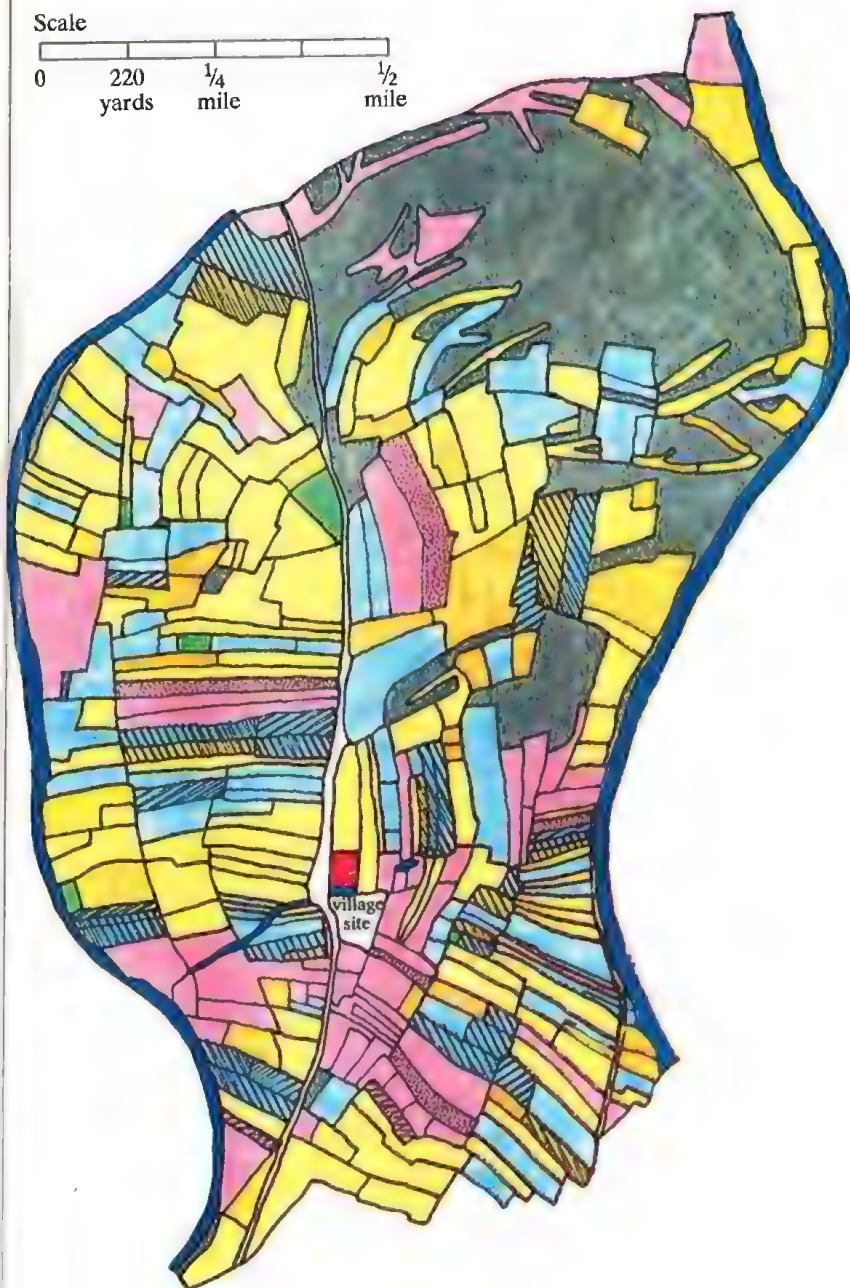
The genealogy of the principal land owning family in L-81 is given alongside the field map opposite. In 1847 and 1848 (14.) was the only headman, although the 1848 *dastūr-ul-'amal* did add that (13.) had also been a headman for a time "during Wade's era" (that is, before 1840), before Baba Jagannath had been confirmed in the assignment. The 1848 *khewāṭ* gave (14.) as owner of half the village and the members of the junior branch of his family as owners of the

<sup>52</sup> L-81 had belonged half to Lahore and half to Jind but was made over wholly to *pargana* Ludhiana in 1841 when such shared (*chahārūmī*) estates were allotted to one or other territory. See the references cited in footnote 5, page 89.

<sup>53</sup> Brief accounts of cases decided during the process of Settlement were mentioned in the *robkār-i akhīr*, while cases decided before Settlement were mentioned in the *kaiḥiyat-i sarrishā*.



Scale  
0 220 1/4 1/2  
yards mile mile



## Key to Map 7.2

- The landlord family**  
 Individual holdings of the landlord family  
 Occupancy tenancy in (8.)  
 Occupancy tenancies in (14.)  
 Occupancy tenancies in (15.) and (.27)  
 (.19), occupancy tenancy in (15.) held by the brother of (7.) and FFBS of (1.)  
 Tenancies-at-will in (15.) and (.27.)  
 Uncultivated land in (27.)  
**Other proprietors in the village**  
 (1.) & (7.), the same Gujar family as (.19)  
 (4.), another Gujar family  
**Mu'afidars, a Faqir family**  
 Uncultivated land of the whole village  
 Streams and ponds

Note: In order to bring out traces of an allotment pattern, one set of holdings has been shown with hatched shading, belonging to (1.), (7.) and (.19) (all members of one family) and to (4.) (another family). In general however there is no clear pattern to the allotments.



Joint holdings

Holding number	(8.)	(14.)	(23.)	(12.)	(13.)	(5.)	(25.)	(21.)	(15.)	(27.)
Area in <i>bīghās</i>	45-14	49-4	15-3	20-16	30-3	17-1	14-6	18-5	266-3	c.581-16
<i>Khudkāshi</i>	21-12	46-10	15-3	20-16	30-3	17-1	14-6	18-5	262-3	136-3
Occupancy tenants	24-2	2-14							4-0	122-10
Tenants-at-will										c.323-3
Uncultivated										
Shares in (27.)	1/4	1/4	1/4	1/20	1/20	1/20	1/20	1/20		

Of the joint holdings (15.) was shared by (14.) and (12.) equally while (27.) was shared by all the family on ancestral shares.

(15.) also had shares in (16.)-(19.) as follows:

- 1/3 of (16.) with three Rajput brothers, area (22=18) *bīghās*;
- 1/2 of (17.) and 1/3 of (18.) with a Gujar, areas (15=16) and (0=6);
- 1/2 of (19.) with another Gujar, area (13=9).

Each of these holdings was cultivated by (15.)'s partners jointly with other brothers who had no share in the proprietary right.

The total area of the village in 1853 was (1405=3) *bīghās*, of which (1010=15) was cultivated. The landlord family controlled (757=17) *bīghās* of cultivated land.

Map 7.2 L-81: holdings of the landlord family, 1853.

other half, in six equal shares.<sup>54</sup> Four-fifths of the cultivation in 1848 was under tenants, most of whom had hereditary rights of occupancy (*muzārī'ān maurūṣī*). In 1853, on the other hand, the position was as shown on the genealogy. (12.)<sup>b</sup> was now a second headman.<sup>55</sup> Approximately  $\frac{1}{5}$  of the cultivation was in divided holdings belonging to the headmen's family; and of the remaining  $\frac{4}{5}$ ,  $\frac{1}{3}$  was under tenants in a joint holding (15.) shared by the two headmen,  $\frac{1}{3}$  was under tenants in a joint holding (27.) shared by all the headmen's family, and  $\frac{1}{3}$  was under cultivators who had formerly been registered as tenants but were now proprietors. Almost all the cultivable waste belonged to (27.), in which the new proprietors had no share.<sup>56</sup> Effectively therefore – although not as an explicit category – the new proprietors were *mālikān qabḡa*, owners of nothing more than what they occupied.<sup>57</sup> An additional complication was that four of the new proprietary holdings were shared with the two headmen: for instance, (16.) was owned by three Rajput brothers, on  $\frac{2}{3}$ , and (15.) on  $\frac{1}{3}$ , although it was the Rajput brothers who cultivated the holding together with a fourth brother, whose status was

<sup>54</sup> When questioned by the Deputy Commissioner (item 39 of the 1848 file) (14.) said that his brother had had his own holding (8.), "but he passed away and his widow cultivates the land through tenants, which in measurement was shown in my name, I being the sole heir". The widows were not named in the 1848 *khewāḡ*. Note that (23.)'s share in 1848 was given as  $\frac{1}{12}$  but in 1853 (23.)'s share in the family's joint property (27.) was  $\frac{1}{4}$ .

<sup>55</sup> The seventh case mentioned in the 1853 *robkār-i akhīr* concerned this award. The abstract of the case was as follows: "*Ḥasb-i robkār 17 August 1850 wa faṣṡa-i ṡālīṡān, nisfā-nisf ḡaqqīyat biswādārī wa lambardārī qarār pāṡ*".

<sup>56</sup> Of the (230=13) *bīghās* of unpartitioned cultivable waste in the village, (223=3) *bīghās* belonged to (27.) and only (7=10) lay in the village *shāmīlāt*.

<sup>57</sup> The last case mentioned in the 1853 *robkār-i akhīr* was a claim by the new proprietors against the two headmen for inclusion of their name as co-owners of all the lands of the village (*bābat kull arāṡī dīh*); they were confirmed owners just of what they possessed ("*bābat arāṡī maqbūṡa apnī apnī ke mālik muqarrar haiṡ*").



only that of occupancy tenant. Was the fourth brother not present when his case was heard? It is as if the authorities had lost patience in deciding people's landholding status because of the dispute.<sup>58</sup>

To (14.) the dispute revolved around his own right to collect the government share of the produce from cultivators in kind, and to be solely responsible for depositing the government's demand in cash with the *taḥṣīldār*.<sup>59</sup> In a petition dated 15th June 1849 (item 32 of the file) he claimed that arbitrators (*munsif*) had been appointed the previous year and that their judgment, upholding his right to collect in kind, should stand. This judgment had been made right at the beginning of measurement proceedings, on 21st

<sup>58</sup> Sandwiched between the 1848 and 1853 registers was the preliminary register of Gokul Kumar, dated 5th September 1851. Gokul Kumar registered the landholding status of cultivators quite differently from the registers of 1848 and 1853. In particular only Gujars (the caste of the principal landlords), Rajputs and Rawats were registered as occupancy tenants, and only Gujars and Rajputs as proprietors, although three Chamars, one water-carrier (Jhiwar) and one barber had been registered in 1848 as occupancy tenants and were later to be confirmed as such in the final 1853 records. The effect of officials' perception of caste on the award of land rights is difficult to pin down. But in this case caste clearly entered officials' consideration of the village's tenure, and therefore of individual cultivator's landholding status. In George Campbell's cross-examinations, for instance, — see below — the headman was asked why there were so many Gujars in the village who were not proprietors, as if Campbell expected all Gujars to have the same landholding status (the answer was that they had not been present when the village was founded); and another witness was asked whether village servants (*kamīn*) also cultivated (yes, was the reply, *kamīns* and everyone else were *mālīks*). See also footnote 79 below for the *taḥṣīldār*'s opinion of the ideal composition of a *bhāīachārā* community. At the final award of rights in 1853 there were: 7 Gujar, 1 Rajput and 1 Rawat families as proprietors (apart from the headmen's family); occupancy tenancies of 22 Gujars, 3 Chamars, 2 Rajputs, 1 barber and 1 water-carrier; and tenancies at will of 5 Gujars (2 resident in different villages), 3 Chamars, 2 Rawats, 1 Arain, 1 Awan (of L-80), 1 carpenter, 1 Dogar (of L-82), 1 Mirasi, 1 water-carrier and 1 weaver. Such a miscellaneous body of registered landholders was unusual, even in the urban estates.

<sup>59</sup> Under cross-examination (item 39), (14.) explained the arrangement thus: "*Hākim ko thekā main detā rahā hūn aur kan-baṭāṭ main letā rahā hūn.*"

April 1848, and presumably continued the Summary Settlement arrangements for a further season; but it is not in the file.<sup>60</sup> A subsequent order of Larkins dated 13th February 1849, however, which was issued after all the cultivators of L-81 had been presented in court, stated that occupancy tenants had chosen to pay revenue in cash and that this was their right.<sup>61</sup> The dispute therefore hinged on who had hereditary rights of occupancy and how those rights differed from the rights of proprietors. The term used for occupancy tenant, literally hereditary cultivator (*muzārī' maurūṣī*), did not help. (14.) claimed, in another petition dated 3rd April 1849 (item 29), that he was the *mālīk* and *biswādār* of the village; that, apart from him, only seven people were hereditarily settled in the village, everyone else being just cultivators; that if these other cultivators were "hereditary" then why would they have been giving him one *ser* in the *man* of their produce as proprietary due (*ḥaqq mālīkāna*); that Larkins' order of 13th February went against the ruling of the courts in neighbouring Nawanshahr (in Jullundur district); and that his right to collect in kind should be restored to him.<sup>62</sup> When cross-examined by the new Deputy Commissioner, George Campbell,<sup>63</sup> on 27th July 1849 (item 39), (14.) named the other members of his family who were also "*mālīks* and *biswādārs*", and admitted that from them he collected their share of the revenue in cash;

<sup>60</sup> Campbell referred to the judgment in orders of 16th July 1849 (part of item 36). The *munsifs* were identified in (14.)'s testimony (*izhār*, item 39).

<sup>61</sup> Larkins' order is contained in item 27 of the 1848 file: "*Jo ki muzārī'ān maurūṣī ko ikhtiyār hai dene mu'āmila ba-sharḥ naqdī ...*"

<sup>62</sup> "*Khudāwand — fidwī qadīm se jo mālīk aur biswādār mauza' Nūrwāla kā hai aur asāmīyān se mu'āmila ba-ṭaur baṭāṭ wa kankūt letā rahā hai, ibtidāṭ ābādī se haft kas maurūṣī sātḥ fidwī ke ābād hain; aur sab pāhī aur kāshkār hain; aur jo ta'rīkh 13 February 1849 huzūr ne tamāmī kisān ko maurūṣī farmāyā hai, yih mahz sarāsar ḥaqq talafī fidwī kī hu' hai az-ān-jā ki bēch 'adālat Naushahr-wālī ke ḥaqq talafī kisī kī manzūr nahīn.... 'Adīlat bidūn un haft kasān ke kisī kī zamīn būte-mār mauza' hāzā meñ nahīn; fidwī jo yak ser fī man ḥaqq mālīkāna pātā hai jekar koṭī maurūṣī hotā to kis wājah detā.*" A part of this petition was quoted in connection with the term *būte-mār* in footnote 24, page 215 above.

<sup>63</sup> Campbell took over from Larkins at the beginning of June 1849.

but he maintained that from all the other cultivators he had always taken a share of the produce in kind. Thus, in regard to the junior side of his family (14.) agreed that they had a separate arrangement for paying revenue but he gave them no role in the general management of the village; he alone made any adjustments in connection with the revenue.<sup>64</sup>

The headman's account of the previous management of village collections did correspond with the official statements written by the *taḥṣīldār* earlier.<sup>65</sup> In an account of the village dated 27th June 1848 (item 10, *kaifīyat ḥaiṣīyat-i mauṣa'*), the *taḥṣīldār* had written that the junior side of the family had originally enjoyed an *in'ām* of 50 *ghumā'o*, while the senior side had enjoyed 5 *ghumā'o* and 10% of the revenue; but that the former had subsequently suffered a loss and all the land in its possession had then become liable to revenue. Moreover, for the Summary Settlement a former *taḥṣīldār* had reported that the land occupied by the junior branch was managed differently from all the other land: there were 40 working ploughs in the village of which 5, under (5.), (12.)<sup>b</sup> etc., were "*kancha-hā'*", and 35 were the responsibility of (14.);<sup>66</sup> and the revenue from those 5 ploughs for the year 1843-44 had been estimated on the basis of what (14.) had submitted regarding the other 35 ploughs. Whatever the truth of these accounts the dispute in the village clearly had a history.

Opposed to (14.) were all those whose right to pay a share of the revenue in cash had been upheld by Larkins. They were led by the junior branch of (14.)'s family. Three points

<sup>64</sup> "...kamī-beshī apnī zimma samajh-kar mu'āmila sarkār main detā hūn."

<sup>65</sup> One of the complaints in L-79 (item 37 of the L-79 file) was that the *taḥṣīldār* was in collusion with the *lambardār*. But this was in connection with how the revenue was to be collected, not with the writing of history.

<sup>66</sup> "Is gānw Nūrwalā men 40 qalba *khām jāri* haiṅ, ki min-jumla us ke 5 qalba (5.) wa (12.)<sup>b</sup> *waghaira kancha-hā'* ke haiṅ aur 35 qalba *ba-zimmaḡī* (14.) ke haiṅ." The term *kancha* may stand for *kachchā*, paying revenue in kind, although I have come across a later use of the term when it stood for the opposite, *zabṭī*, subject to a cash rate ("Tārū Singh ke waqt men mu'āmila *ba-zarī'a baṭā'* wa *kankūt* wa *kancha* ya'nī *zabṭī* ... *hotā thā*", 1882 *Bayān-i mālikān* for L-344).

were at issue: first, to establish the right of the branch to half the headmanship; second, to establish that every other cultivator was a shareholder; and third, to establish everyone's right to pay his share of the revenue in cash. In effect the claim was that the tenure was of a shareholding brotherhood. Campbell was sympathetic to this claim until he was corrected by the *taḥṣīldār*. In the end, with Davidson's Settlement proceedings about to begin, the revised 1848 *khewat* was attested on 3rd January 1850 and it was announced that further complaints should be addressed to the civil courts.

It is not necessary to pursue every turn of phrase in the course of the dispute, but some attention should be paid to phraseology since the official terms of landholding status were being challenged. The confusion about the term *maurūṣī* has already been pointed out.<sup>67</sup> Other contentious terms were *lambardār*, *biswādār* and *mālik*. In a petition dated 22nd June 1849 (item 33 of the file) (13.) and the other members of his side of the family identified themselves all as "*biswādārān-lambardārān*"; and they said that just as (14.) was a *lambardār* (somebody with an official number) so too were they ("*wuh bhī lambardār hai aur ham bhī lambardār haiṅ*"). Their claim was that, after Larkins' order of February 1849, one instalment of the revenue had been satisfactorily paid on the basis of ploughs but that, regarding the present June instalment, whereas they had deposited the proper amount (one quarter of the annual revenue) with the *paṭwārī*, (14.) had gone ahead and deposited the same amount with the *taḥṣīldār* and was

<sup>67</sup> The confusion was not confined to (14.). When the *taḥṣīldār* corrected Campbell on the proper meaning of *bhāīachārā* he also pointed out that non-resident cultivators could not be hereditary: "*Tā-waqt-i-ki asāmiyān gānw men ābād na hoī to un ko kyūnkār maurūṣī taṣawwur kiyā jāwe*." These remarks were made in connection with L-79 (item 51 of the 1848 file) which was uninhabited.



demanding from them revenue in kind.<sup>68</sup> Since (14.) was at that time the only official headman in the village the action of the junior branch was a direct challenge to the administration.

Other phrases show a similar desire to challenge the official forms and categories. All three deponents separately examined by Campbell on 27th July 1849<sup>69</sup> were asked whether they were "*mālik*" or "*ghair mālik*", as if these were categories of status requiring no qualification. (14.) replied that the other side of his family were *māliks* and *biswādārs* but that "apart from them everyone else who was settled in the village was a *ghair mālik*".<sup>70</sup> (1.), however, the second deponent,<sup>71</sup> replying to a question whether a *biswādārī* fee was given to (14.), said that everyone in the village was a *biswādār*, and it was only the headman's fee of 5% which was divided equally between (14.), on the one hand, and (5.) and (21.) together jointly, on the other.<sup>72</sup> "We are the *māliks* of the land," he said ("*zamīn ke ham mālik haiñ*"). "Do *kamīns* also cultivate?" "Yes, *kamīns* and everyone else are *māliks*."<sup>73</sup> Finally, the third deponent (21.) contended that he and the other five members of his branch of the family were *māliks* in half of the village but that everyone who cultivated in the village was a cosharer, who had joined in

<sup>68</sup> This claim was made in their main petition dated 18th June 1849 (item 31). A similar complaint was made by the cultivators of L-79 which included the accusation of collusion between the *lambardār* and the *taḥṣīldār* referred to in footnote 65 above.

<sup>69</sup> Items 39, 40 and 41 of the file.

<sup>70</sup> "*Siwā-e in ke jo gāñw meñ bastā hai ghair mālik hai, biswā kisī kī nahīñ.*"

<sup>71</sup> (1.) was a Gujar of a different clan (*gor*) from the landlords. His FFB's three sons also had land in the village, the oldest as an occupancy tenant (19), the others as joint proprietors (7.). Of the seven Gujar families (apart from the landlords) who were eventually awarded proprietary rights, (1.) and (7.) belonged to the only one which Gokul Kumar did not register as proprietors.

<sup>72</sup> "*Ḥaqq biswādārī kuchh (14.) ko diyā?*" "*Biswādār sab gāñw hai, jo bastā hai wuh biswādār hai, illā in'am pachotra jo sarkār se muqarrar hu'ā nisf (14.) ko aur nisf (21.) wa (5.) ko diyā.*"

<sup>73</sup> "*Kamīn waghaira sab mālik haiñ.*" This last question was added at the end of (1.)'s examination and was written in a different hand.

the founding of the village and who shared the profit and loss; everyone was a *mālik*, there was no *ghair mālik*.<sup>74</sup>

There were similar statements made by the deponents from L-79. The case of L-79 was different from that of L-81 in that L-79 was uninhabited, the proprietors living in L-81 and most of the cultivators in the town of Ludhiana. The cultivators of L-79 did not claim the *biswādārī* but only to be *māliks* and *maurūṣī*. (17) said, in his deposition,<sup>75</sup> that his uncle and the landlord's grandfather had settled at the same time, the former from Ludhiana and the latter from L-81; and he maintained that there was a masonry well and trees of 40 years' standing to support his claim. The question of rights associated with sinking a well had also been raised earlier in the dispute within L-79.<sup>76</sup> In the dispute between the two factions of L-81, however, wells were not invoked in support of a claim.<sup>77</sup>

<sup>74</sup> "*Ham chhe ādmī nisfī gāñw meñ mālik haiñ.... Jo gāñw ab zir'at kartā hai sab bhāṭī sharīk ho-kar sāth buzurgān gāñw meñ ābād hu'e, nafū-o-nuqṣān meñ shāmil rahe; sab mālik haiñ, ghair mālik koṭī nahīñ.*"

<sup>75</sup> Item 44 of the L-79 file. (17) and the landlord of L-79 were examined on the same day as the witnesses from L-81. There were 15 members of (17)'s immediate family who had holdings in L-79 and who also owned land in L-78 and L-161. As (17) and his FBS (7)<sup>a</sup> said in a petition dated 17th June 1849, they had 13 ploughs of land "in their train" (*un ke zail meñ*) to the headman's 6.

<sup>76</sup> (7) and (19), relatives of (17), claimed in their petition of 18th May 1849 (item 32 of the L-79 file) that they had recently sunk a well on Larkins' orders, and that subsequently he had fixed a cash settlement with them, as if these actions had conferred on them, or acknowledged, a particular landholding status.

<sup>77</sup> The fourth case mentioned in the *kaiḥfiyat-i sarīshīa* of the 1853 records of L-81 had been brought by a set of brothers against (14.) and (12.)<sup>b</sup>, apparently because they had been prevented from sinking a well (*nālīsh muzāhamat zar-i ta'mīr-i chāh*). The case had been referred to the special Settlement courts in March 1851, "because in this district the custom is that only a *biswādār* has the right to sink a well, and confirmation of *biswādārī* rights is the concern of Settlement" (*ind-ul-taḥqīqāt ma'lūm hu'ā ki riwāj is zila' kā yih hai ki jo asāmī biswādār na ho us ko ikhtiyār lagāne kūṭī kā nahīñ hai, aur ṣubūt biswādārī kā muta'allaq maḥkama bandobast hai*). The plaintiffs in this case, (4.), were among those awarded proprietary rights, but there is no record of why. (In 1882 there was indeed a well on (4.)'s land, a<sup>c</sup>

After he had examined the witnesses from both L-79 and L-81 Campbell's order, dated 7th August 1849, was the same for each village. The file was sent back to the *taḥṣīldār* in order that everybody's landholding status be precisely registered; and Campbell added that the village was in his opinion a *bhāīachārā* village belonging to all the shareholders, and that the headman's claim to the property seemed false.<sup>78</sup> The *taḥṣīldār* eventually replied on 29th November 1849 that a register of revenue liability had now been prepared for each village and contained full details regarding each cultivator. In respect of L-79 the *taḥṣīldār* added that the village could not be considered *bhāīachārā* since it was uninhabited; a *bhāīachārā* village was one which was inhabited, where everyone was of the same caste and clan, everyone had the right to sell his share and the land in his possession, and all affairs were managed jointly as in a brotherhood.<sup>79</sup> Whatever the relevance of the *taḥṣīldār*'s understanding, the register was then attested in each village and it was proclaimed that future complaints should be filed not with the Settlement authorities but in the civil courts.

The dispute in L-81 was perhaps little more than what was argued in every village at the time of the first Settlement. What makes the dispute interesting for the present analysis is the way in which ploughs were invoked by each party. As the field map of the village shows, there was no overall design to cultivators' holdings, no clearly demarcated fields within which each person cultivated just one strip. Yet

[26.87], but not in 1853.) Another person in L-81 who was among those awarded proprietary rights, (9.), was said in the 1853 *wājib-ul-'arṣ* to have sunk a well out of charity for public drinking, "*ba-rāh-i khudā, wāṣṭe ābnoshī 'āmm ke*"; but again there is no record whether this was considered a factor in his favour for the award.

<sup>78</sup> "*Yaqīn hai ki yih gānw bhāīachārā sab ḥiṣṣadārān kā hai, aur jo milkīyat apnī lambardār batlāī hai ghalat ma'lūm hotā hai.*"

<sup>79</sup> "*Ma'lūm hu'ā ki yih gānw bhāīachārā kā nahīn kiswāṣṭe ki bhāīachārā kā wuh gānw ṭaṣawwūr hotā hai ki jo gānw meñ ābād ho, wa us gānw meñ sab log ek qaum wa ek got ke ābād hoñ, wa apne apne ḥiṣṣa wa qabḷa kī zamīn kā ikhtiyār bai' wa rahñ ḥāṣil ho, wa sab umūrāt miṣl bhāīachāre meñ sharīk hoñ.*"

ploughs were invoked and it was not disputed how many ploughs there were in the village nor how many were possessed by any particular party. The disagreement lay over what was entailed when revenue was apportioned on ploughs. As mentioned earlier there were three areas of disagreement: first, that the revenue should be collected from cultivators in cash; second, that all cultivators were shareholders; and third, that the junior branch of the headman's family should be responsible for the collections of half the village. Campbell's opinion was that the tenure was *bhāīachārā*: that every cultivator was indeed a shareholder and therefore a landowner. But then what were the shares? The ploughs to which all parties referred were teams of plough-oxen, not equalized holdings. To make everyone an owner, with the size of his plough-team the measure of his rights and liabilities, would have required a full, formal reallocation, doubtless into two *paṭṭīs*, one headed by (14.) the other by a member of the junior branch. In people's minds this was a possibility — and it is this possibility that is interesting, not the solution actually adopted. The solution adopted was to appoint a second headman from the junior branch; to accept that all cultivators would pay rent or revenue in cash whatever their status, without additional dues, and at a uniform rate based on measured possessions; and to leave the award of rights to what could be won through individual suits in the civil courts or what could be attested in open court in the village (however poor people's understanding of the new official categories).

In L-158 no one wanted to share liability for the revenue with the landlords in cash; besides, the landlords were united. But in L-81 the junior branch of the landlords' family had had for some time no say in the management of collections in the village. When the majority of cultivators were given the opportunity to pay revenue in cash, their claim was encouraged by the junior branch which in turn claimed the right to make half the collections.<sup>80</sup> These

<sup>80</sup> After (12.)<sup>b</sup> had been made an additional headman, suits were directed against the two headmen combined, as if the landlord family had now closed



claims were made using the idiom of ploughs. In promoting this idiom the form of inquiries at the Summary Settlement may also have played a part, specifically by asking about ploughs in a community which had never collectively divided the land. Plough-teams may have been used in L-81 as a basis for occasional collections from cultivators for village expenses, just as collections would have been made from artisans per loom or per press and from the general populace per capita or per household.<sup>81</sup> But there was no equitable basis in the way land was held for the revenue to be apportioned by plough-teams. Yet inquiries at the Summary Settlement had promoted the idea of apportionment by ploughs.

Thus, when (12.)<sup>b</sup> and his father's brothers submitted a complaint on 18th June 1849 (item 31 of the file) they did not claim that they had always paid revenue in cash — which would have been untenable — but that they had always

ranks. Thus, in eight of the ten suits mentioned in the 1853 *robkār-i akhīr* the two headmen were joint defendants or joint plaintiffs.

<sup>81</sup> The 1848 *dastūr-ul-'amal* (item 12 of the file, sent to Larkins by the *taḥṣīldār* on 26th June 1848) stated that revenue was collected from tenants either in kind or, on certain crops, by a cash rate (*zabṭī*); but that the village expenses were distributed over all resident tenants per plough, non-resident tenants contributing one *ānā* per *bighā* towards these expenses: "Jo mu'āmila paida howe az-rū-e bhaolī ḥasb-i sharḥ-i zail wa zabṭī ke wuṣūl karte haiṅ; aur kharch malba waḡhaira asāmiyān maurūṣī wa ghair maurūṣī se ba-mūjib halsārī ke wuṣūl kiyā jātā hai, ya'nī jo ki malba faṣl kā ho us ko jumla halān dīh pe letā; aur pāhī kāshtān se fī bīghā ek ānā bābata kharch malba wuṣūl kar-ke ba-ḥisāb kharch-i malba maḥsūb karte haiṅ, faqat." This was written before the dispute had officially surfaced. Where a headman controlled all collections within a village, and cultivators had no say in village expenditure, the difference between contributions for revenue and contributions for village expenses may not have been relevant to the cultivator. In any case, the statement by the junior faction that it was the revenue which had always been distributed on ploughs (item 31, quoted in the following footnote) did not refer to village expenses and was not challenged on that account.

divided the revenue on the basis of ploughs.<sup>82</sup> Later, (14.) was asked whether he confirmed that the revenue used to be divided on ploughs, which he did.<sup>83</sup> But this leading question was put to (14.) at the end of his deposition; in the manuscript it is written in a different hand, as if added afterwards; and the answer contradicts what he had earlier asserted. Earlier he had been asked how much land the junior branch of his family occupied and what was their share, to which he had replied, "70 *ghumā'o*, and there are no fixed shares."<sup>84</sup> Asked further how he paid the revenue he had said, "There are 40 ploughs in our village, 70 *ghumā'o* have 6 ploughs, so I take  $\frac{6}{40}$  from them; but from everyone else I take grain by division of the crop."<sup>85</sup> Finally (21.), in his deposition, did not disagree that there were 40 ploughs in the village, nor that his branch possessed 6 (although he said only 61 *ghumā'o* of land was occupied). But he claimed that his branch of the family collected revenue "on the basis of the land" from everyone for their half of the village. Asked then whether the land and the ploughs were partitioned, (21.) admitted that they were not, the division was in the accounting.<sup>86</sup>

The headman's explanation in 1849, of how he calculated what to take from his cousins, echoes in particular the *taḥṣīldār's* estimates at the Summary Settlement in 1847. For the year 1843-44 the *taḥṣīldār* had only had details of the revenue from land controlled by the headman, not of that from land occupied by the junior branch of the headman's family. The latter had therefore been estimated from the

<sup>82</sup> "*Khudāwand — šūrat ham biswādārān mauṣa' Nūrwāla kī yih hai ki qadīm ul-ayyām se bīch mauṣa' mazkūr ke mu'āmila ūpar tamām kāshtkārān ke ba-mūjib haloṅ ke taqīm ho-ke adā karte rahe.*"

<sup>83</sup> "*Ḍhāl-bāchh 40 hal par hotā thā?*" "*Hān, 40 hal par hotā thā.*"

<sup>84</sup> "*70 ghumā'o, aur ḥiṣṣa ke kuchh nām nahīn.*"

<sup>85</sup> "*...aur sab se dāna paidāwār se baḳāṭ kartā hūn.*" The first part of the answer I made a note of only in translation, without copying or transliterating the original.

<sup>86</sup> "*40 hal sārē gārw ke haiṅ; 6 hal hamāre, gārw meṅ jāī haiṅ; 61 ghumā'o qabṣa meṅ hai; ba-mūjib zamīn ke ham sab se apnī ṭaraf niṣfī-wāle mu'āmila taḥṣīl kar-ke dete haiṅ.*" "*Nisfā-nisf hal aur zamīn taqīm hai yā kī nahīn?*" "*Ṭaraf taqīm nahīn huī, ḥisāb nisfā-nisf kar letī hai.*"

number of working ploughs possessed by each party: there were 40 in the village, 5 with the junior branch and 35 under the headman. For an estimate this was fair enough. But in the general questionnaire of the Summary Settlement these ploughs were stated to form the basis on which revenue was paid by the landlords' family, with the implication that this applied to all cultivators generally.<sup>87</sup> At the Summary Settlement no details were given of the number of ploughs in individual possession. At the 1848 Settlement, however, when a household census was taken which included an enumeration of ploughs and livestock, 22 'full' ploughs and 88 oxen were enumerated, with  $3\frac{1}{4}$  'full' ( $6\frac{1}{2}$  'ordinary') ploughs in the possession of the junior branch of the landlords' family.<sup>88</sup> The 1848 census may not have been especially accurate, nor thorough. But it does seem that the 40 'ordinary' ploughs mentioned at the Summary Settlement in 1847 did represent to all parties the number of actual ploughs operating in L-81 at the time.

Two years later, in 1849, it was the same rounded figure of 40 ploughs in terms of which cultivators' shares were

discussed. When the dispute was resolved these figures were forgotten, never to be raised in the official records again.<sup>89</sup> Had the dispute been resolved differently, with all cultivators being awarded full proprietary rights, we might now be reading of L-81 as a village divided on 40 "ploughs" where the headmen were no more than chairmen amongst equals. The purpose of this extended case study has been to show both that plough-teams could be used to calculate shares between cultivators, when the issue arose, and that they could not be sustained as shares unless the land holdings which they represented were uniform in value. The final chapter returns to the theme of capabilities and considers how allotments based on capabilities were reproduced over time.

<sup>87</sup> "2, *kaifiyat zamīndārī*: zamīndār biswādār is gāriw ke har yak Gūjar qaum got Bāharwāl ūpar ek taraf ke shāmil haiñ, aur qalba chaugāwa ki chār bail aur do ādmī kī ek qalba pukhtā aur ek hal ke ta'alluq 150 bīghā khām zamīn hai, aur kull 20 qalba pukhtā chaugāwa haiñ, in-pe mu'āmila dete..." Thus, 1 'full' plough = 2 'ordinary' ploughs = 2 ploughmen = 4 oxen = 150 'ordinary' bīghās of cultivation. The total number of ploughs (20 'full' or 40 'ordinary') agreed both with the total area under cultivation (3000 bīghās) and with the total number of bullocks (80), which were recorded elsewhere in the questionnaire. These figures did not derive from direct measurement or enumeration. 3000 'ordinary' bīghās is close enough to the figure returned at the 1853 Settlement, of (1010 = 15) 'full' bīghās, since one 'full' equalled 3 'ordinary' bīghās. There was no other question at the Summary Settlement relating to internal collections.

<sup>88</sup> The odd  $\frac{1}{4}$  plough was held by (12.)<sup>a</sup>, who did not feature by name at all during the dispute. The 1848 household census of L-81 omitted the landlords of L-79 as well as two others who had tenancies in L-79, (.8) and (.15), although they all lived in L-81 according to the 1853 household census. The landlords of L-79 cultivated (.50) in L-81 as occupancy tenants, and one of the others cultivated (.61) in L-81 as a tenant at will. At the 1853 household census 65 ploughs (130 oxen) were enumerated in L-81, including 4 ploughs held by the cultivators of L-79 mentioned above.

<sup>89</sup> Gokul Kumar recorded the extent of holdings in terms of *ghumā'o*. Of  $667\frac{1}{2}$  *ghumā'o* under cultivation in the village the junior branch of the headman's family had holdings which added to exactly one tenth, or  $66\frac{3}{4}$  *ghumā'o*.



## Chapter 8

### The reallotment of ploughs and the representation of a coparcenary

A wide cast was made in the last two sections of Chapter 7 to show how the idiom of ploughs prevailed even in exceptional tenures. The only tenures where no trace of the idiom can be observed in the early British records were those of the urban estates of Ludhiana.<sup>1</sup> On the one hand

<sup>1</sup> There was one exception in the maximal sample apart from the urban estates of Ludhiana. In L-41 the shares of proprietors were recorded in 1882 in the form of ancestral shares rather than of ploughs; and, on a brief reading, these ancestral shares corresponded almost exactly with the fractions that would have resulted from a strictly patrilineal rule of inheritance over eight to ten generations, starting at the third generation down from a single ancestor. But firstly this was the only such village encountered outside the urban estates of Ludhiana. Secondly, Gokul Kumar's register of L-41 had not survived, nor did I study the other 1853 registers. Thirdly, the principle of allotting according to capabilities was still acknowledged (here "*hasb-i wus'at sāmān kāshikārī*") since at the third generation down from the ancestor shares had been allocated unequally. The constitution of L-41 was peculiar in that, apart from the main proprietary family of Rajputs, there was a large family of Saiyids which had settled in the village at the end of the eighteenth century and had been given land with rights to all the village commons, although this land was not expressed (in 1882) in terms of shares; and there were also several Arain families who had been incorporated as proprietors of their holdings (*mālikān qabẓa*) without having any share in the commons. My study of L-41 was not sufficient to warrant proposing a third type of exception to the idiom of subsistence, where non-cultivating but tax-paying landlords expressed all relations to each other in terms of ancestral shares, but the

there were urban estates whose landlords were not themselves cultivators but who had always held their land exempt from revenue-liability, perhaps also in *waqf*. There, shares had been free to devolve within a family over several generations according to accepted rules of inheritance, free from any need to be readjusted to the capabilities of shareholders. On the other hand, in the urban estates where landlords did cultivate, it must be assumed that by 1850 agriculture had long been orientated more towards the market than towards subsistence, even if the crops grown were much the same as in outlying villages.<sup>2</sup> In any case there had been no attempt to allot land in holdings of uniform quality; and cultivators did not contribute to the revenue and other charges by a rate on communal shares but by paying fixed rates per area for cash crops and, for grain crops, a proportion of the harvest. A headman was set apart from other members of his family since from everyone, 'tenant' and 'proprietor' alike, he collected taxes in the same form and at the same rates.<sup>3</sup>

The variety of tenurial conditions within which the idiom of ploughs prevailed is consistent with the idiom's polyvalence. The autonomy of the village community should not be taken to mean that every community had its own

possibility of alternative types in and around Ludhiana should be mentioned.

<sup>2</sup> For the crops sown in 1852-53 see Table A in Appendix B.

<sup>3</sup> For instance Gokul Kumar's account of L-173 ended as follows: "The custom of dividing the crop operates throughout the village, for cultivators as well as proprietors; the headman alone pays the government revenue, there are no *khewaṭdārs* [here meaning partners in liability rather than proprietors]; for village expenses 2 *ānās* per *ghumā'o* are collected on cash crops from cultivators" (*aur sab gāiw meñ rasm kachchā baṭā'ī kī kāshikārān aur mālikān se jā'ī hai; aur zar-i sarkār lambardār apne pās se adā kartā hai, ko'ī khewaṭdār nahīn hai; aur malha fī ghumā'o 2 ānā arāzī zabṭī par kāshikārān se liyā jā'tā hai, faqat*). Similar statements were made for L-78, 161, 162 and 166. For L-161 (where less than 30% of the cultivation was under tenants) it was specifically stated that the headman had to make any adjustment between what he collected in kind and what he paid in cash as revenue: "*kamī-beshī ta'alluq lambardār ke hai*."

idiom separate from that of the State, any more than that a village was physically isolated. The same idiom could span the full range of relations from ruler to ruled. Along this span there were key points where adjacent functionaries negotiated and brokered the terms of rule, and at these points a functionary stood for the whole of the rest of the span lying hidden behind him. To peer over the opposite shoulders, as it were, in order to see exactly how the idiom was used further along the span, was unnecessary. A variety of forms of tenure, a variety of forms of articulation between ruler and ruled, could be sustained without disagreement when the idiom was polyvalent. By insisting on getting to know conditions of village tenure themselves the British broke this accord on rule. The initial form of rule by contract which the British in India favoured up to the middle of the nineteenth century, and which is represented for us by the *wājib-ul-'arṣ* of the first Panjab Settlements, had enough of the earlier form of what, by contrast, could be called rule by political contract to be acceptable. To be summoned to attest (*taṣdīq*) a register of one's rights in the court of the new local ruler, and in the company of one's brethren, was acceptable etiquette of rule. Never mind that a knowledge which respected no bounds would not be contained within such ritual formulae; that the information and experience deriving from such encounters would provide the foundations for a very different form of rule; that local solutions in a polyvalent idiom would be overruled by standard solutions in a uniform idiom devised and administered by the State.

In the previous chapter it was suggested that the idiom of ploughs was an idiom of subsistence in two ways. Firstly, since a plough of land represented what one man could cultivate with one team of oxen, a man's holding, measured in ploughs, represented both the amount of labour he could command and, conversely, the amount of land he needed with that command of labour. The idiom presupposed a balance between needs and resources. Holdings within a village might be very different in size, but in relation to some other factor of production the differences would even out.

The amount of land per household, for instance, or per partner in cultivation, or per man, or per head, would be uniform. Secondly, the margins of production were so narrow that, independently of the State's demands and the form in which they had to be paid, land had to be allotted in holdings of uniform quality, with each unit of allotment containing as much bad land as good. The idiom had no vocabulary for anything but subsistence. Demands were met, but by definition they were intrusive since they upset the supposed balance between needs and resources. The equality of the brotherhood and the inequality of individual capabilities were upheld within the same idiom, because the common denominator was the breadline.<sup>4</sup>

There is enough evidence that this simple model of a balance between individual capabilities and communal resources did inform at least the initial allotment of land among a group of cultivators. A specific example was given in Chapter 4 of a village (L-66) where the size of landholdings, in ploughs, correlated closely with the composition of landholders' households.<sup>5</sup> The general distribution of holdings in units of whole ploughs and half ploughs has been noted throughout the sample, even if those ploughs were not all of the same absolute area within a village. In the village histories recorded alongside the Genealogies of Proprietors at the 1882 Settlement the phrase "according to capabilities" (*ḥasb-i istāṭā'at*) most frequently described the principle by which land was first

<sup>4</sup> Parry's view, that the equality of brotherhood perpetually plays counterpoint to the inequality of the ideological system of caste (see page 261 above), is the view, following Dumont, that inequality comes first in India, not the business of subsistence. On the other hand, Stokes' view (Stokes 1978:7), that egalitarian forms of land tenure occur in conditions of ecological insecurity, is too gross: there is nothing ecologically insecure about a district which now boasts the highest yield per unit area of cultivation in the world; in the 1850s too, cultivation in the *beṛ* was thought easy (Davidson 1859:para.12), the only 'insecurity' being to health. Between the ideology of caste and ecological determinism room must be made for exploring how cultivators themselves expressed their relation to land, the community and the State.

<sup>5</sup> See pages 164-5.



allotted, while the need for a formal, fair allotment was usually put in terms of the needs of the community: to distribute communal expenses and demands upon the community for revenue or for labour; to partition common lands and to divide up the proceeds from common sources of income; and to resolve internal differences between community members.<sup>6</sup> Finally the example of L-81 showed how actual plough-teams did form the basis for allocating revenue in one village, at least temporarily when revenue first had to be collected by the headman from cultivators in cash instead of in kind, and when the rights of different categories of landholders were still in process of being decided.

However, there has also been evidence put forward to show that individuals' capabilities were not the only basis for allocating shares. This evidence has come mainly from considering the transmission of shares over time, which was not in general accomplished by regular, full reallootments. Although methodologically it is hazardous to project backwards to a supposed time of original allotment from the position obtaining in 1853 using genealogies compiled in 1882, nevertheless there does appear to be at least one village in the limited sample (L-70) where ploughs were allotted to a group of agnates not explicitly "according to their capabilities" but according to the alternative principle of continued equality amongst brothers. In each *pattī* of L-70, the sons and sons' sons of a *pattī* ancestor had been allocated shares as if those shares had devolved through the normal rules of inheritance — there was perfect agreement between shares and genealogy. This is sufficiently unusual to warrant notice. Perhaps their capabilities had indeed been equal. Perhaps the genealogies were drawn in 1882 so that relationships should agree with shares. In most other villages of the sample, however, where genealogies extended to the ancestors of those who had participated in an allotment, the shares of allottees were not as would have

been expected from strict patrilineal inheritance.<sup>7</sup> The official explanation of such deviance was invariably in terms, firstly, of the general conditions of the times and, secondly, of the different capabilities of community members.

A third alternative principle which underlay the initial allocation of shares was that of precedence or anteriority.<sup>8</sup> This principle has been noted mainly in the incorporation of outsiders after an initial allotment, by a single shareholder to maintain the size of his share, or by a group of shareholders to maintain the size of their group's share. In Chapter 4, many of the shareholding tenants were assumed to have come into a village in this manner. But the principle could also apply at an initial allotment, to contradict the equality which participation in an allotment implied. For instance in L-184, almost everyone in the village owed his induction to someone or other; but whereas in most subdivisions of the village participation in the formal allotment had evened out any feelings of precedence, in the particular subdivision controlled by the descendants of the supposed founder of the village, a difference of status was still acknowledged between the founder's family and other shareholders of the subdivision.<sup>9</sup>

Although shares might thus be allocated taking into account several different factors, they would be expressed in the single idiom. Capabilities meant not just individual prowess; a man's share, in ploughs, represented his command over labour and, by extension, his standing in the village, his political clout on the village council. A notion of precedence indeed underlay the whole concept of landholding. The possessor of an ox and a plough did not have automatic entry into any community. Land was to rule, not just for individuals to cultivate. At the very minimum a landholder stood for the domestic labour he commanded from his own family. In successive degrees of independence

<sup>7</sup> For examples of such genealogies see page 169 for L-181, Map 4.4 facing page 150 for L-183 and page 176 for L-184.

<sup>8</sup> I am grateful to C. Meillassoux for discussions on the generality of this concept in agrarian societies. See Meillassoux (1975:70).

<sup>9</sup> See Section 4.2.3.3.

<sup>6</sup> See page 142.

from this domestic core were, firstly, the adult sons of a shareholder, together with their own dependants, even after they had established separate households; secondly, dependent cultivators like *sānjīs* who were not liable in their own name for any share of communal taxes; and thirdly subordinate cosharers who, under the patronage of a principal shareholder, came to assume charge over a definite sub-share both of cultivation and of the attendant liabilities. Shares could be nested inside shares. The family was itself a coparcenary, nested inside, and articulating with, several higher levels of coparcenary. The image of a shareholding village community in terms of a genealogical tree has therefore to be modified: it is a tree linking people of the present not so much through descent to ancestors of the past, as through a series of affiliations to present heads of families, heads of groups and the headmen of the village. The genealogy reaching back into time is collapsed, in all its complexity, into the present.

Once a measure of ploughs had been allocated to a shareholder it did not generally change. Minor readjustments might be made to incorporate a new shareholder, by altering the total number of shares in a village subdivision and thereby altering the relative liability of existing shareholders within that subdivision. But generally the relative size of a holding, in ploughs, remained the same until the holding was partitioned or was otherwise broken up. A man's share continued to represent his standing in the community. The strategy of a family which brought in affines or dependants as subordinate cosharers was to maintain its share. Even along the banks of the Satluj, where annual changes in the course of the river meant that the cultivable land had annually to be reallocated, these reallocations were made on the basis of existing shares, which remained the same, not on the basis of the changed demography of shareholders. A son who established a household separate from that of his father did not automatically obtain a new share in the community commensurate with his capabilities, any more than he obtained a distinct portion of his father's share. It has been

pointed out before that there are almost no instances where both father and son were registered as landholders at the 1853 Settlement, even amongst tenants, whereas it was common for a son to set up his own household while his father was still alive. Although registration involved fitting relations into a stereotype mould, it was surely not so thorough to exclude every occurrence of a common practice, if in fact it was common for a son to have a separate landholding from his father.

It is open to question how long before the 1853 Settlement the shares recorded at that time had remained unchanged. On the combined evidence of field maps and genealogies there is no village in the sample in which a general allotment of holdings could have occurred much more than 30 to 40 years before 1850. The only direct evidence comes from the investigation of the tenure of a particular village (L-101) whose preliminary *khewat* had to be redone in 1850.<sup>10</sup> The investigation concerned how the village had been divided before its revenues were split between an assignee of Lahore and the ruler of Ladwa.<sup>11</sup> Gokul Kumar's deputy reported that after some trouble he had secured papers from the headmen of the village, dating from 1817 to 1833, which showed how village expenses had been distributed over ploughs during that period; and that in some years the distribution had been over 58 ploughs and in other years over 55. The report went on to say that the village had been divided into *paṭṭīs* for the first time in 1835; seven *paṭṭīs* had been formed, each containing 8¼ ploughs; and that everyone was now agreed that these *paṭṭīs* should form the

<sup>10</sup> The file, headed "Proceedings regarding preparation of the *khewat* of village ..." (*kawāghaz miṣl-muqaddama tartīb-i khewat mauza' ...*), contains 13 items and is preserved in the Revenue Records Room of Ludhiana district amongst the loose-leaf papers in one of the revenue bundles (*bastā*) of L-101. According to item 13, dated 4th June 1853, the file was scheduled for destruction but was saved, pending further orders, because it contained general orders of the Settlement Officer regarding the treatment of divided (*chahārūmī*) villages.

<sup>11</sup> See Map 3.2, page 90 above, for details of revenue assignments at the start of British rule.



basis of the present distribution of the revenue. The report thus shows not only that the number of ploughs in the village had remained stable over a number of years, but that this had been so before a formal division of the village into *paṭṭīs*. The relation between these ploughs and working plough-teams is not known. The implication however is that an existing arrangement for allocating village expenses had been adopted for the formal allocation of revenue when this began to be collected from cultivators in cash. For in the same report it was stated that the former *paṭwārī*'s role had been to supervise division of the crop. Under the British, ploughs as shares became the mark of ancestral property, underwritten by the State so long as the revenue assessed on it was paid. Revenue and land became tied together in the sacrament of property. Village expenses, however, had no such bond to land, and, as far as the State was concerned, had simply to be controlled, not sanctified. Before the rule of property it had been the rule of the plough.<sup>12</sup>

<sup>12</sup> The full report, item 4 of the file, goes as follows (without the formal address and leave-taking):

"Following receipt of [your] munificent order the work of preparing the *khewaṭ* on the basis of ancient divisions was begun after I reached the village. The former *paṭwārī* was brought by summons and he declared that he possessed no papers because he had been only the ruler's agent supervising division of the grain etc. He insisted that papers were with the farmers, since the former headmen X and Y had been literate. Papers were accordingly demanded from the farmers, who at first prevaricated and submitted former returns of crops (*khasra waghaira*). At last papers of the years *Sambat* 1874 to 1890 came to hand from which the distribution of village expenses on the basis of ploughs could be extracted. Thus in some years the village expenses were divided on 58 ploughs and in other years on 55 ploughs. A translation [?] was made for seven or eight years but the division was absolutely never by *paṭṭīs*. After this, outside enquiries revealed that a division into *paṭṭīs* was made in *Sambat* 1892. A document was then prepared by the farmers showing how the ploughs, 58 in all, are distributed over seven equal *paṭṭīs*, each *paṭṭī* containing  $8\frac{1}{4}$  ploughs. The farmers are now agreed amongst themselves (reflecting the munificence of their lords), the dispute has been settled and the *khewaṭ* will be prepared accordingly."

"*Ḥasb-ul-ḥukm faiz-i-ʿamm wāṣṭe tartīb-i khewaṭ mauzaʾ Jassīān meṁ pahūnchā aur kār tartīb-i khewaṭ kā, ba-mūjib paṭṭī-hāṭ qadīmī ke, shurūʾ*

The five sections in this final chapter are intended as points of reference to round off discussion of the idiom of ploughs. Analysis of the village records should not be pushed to what the data will not bear. But at the same time there are certain observations which may guide analysis. The five points of reference are: (1) the size of holdings, in ploughs, and the corresponding degree of inequality; (2) the absolute area of an average plough of land, in different ecological zones; (3) limits to the duration of an allotment, and the continual tension between the mode of inheritance and the mode of redistribution, to maintain a certain allocation of shares; (4) the extent to which brothers had in fact had equal holdings, in the generation before British rule, however those holdings had been derived; and (5) exclusiveness of control within the family coparcenary, specifically in relation between fathers and sons. These five points bring the focus back to the theme of internal and external change, and to the question of control over the idiom governing land.

*kiyā. Lekin jo Panjāb Singh paṭwārī sābiq ko mazkūrī lāyā to paṭwārī mazkūr muzhir huʾā ki muzhir kār-i ʿāmīlī, yaʾnī taqīm ghalla waghaira kā, ḥākīm kī ṭaraf se kiyā thā, mere pās koṭī kāghaz nahīn. Har-chand-ki us ko kahā gayā magar us ne yih hī bayān kiyā ki kāghaz zamīndārān ke pās hai kiswāṣṭe ki musammā X lambardār wa Y lambardār sābiq khwānda the. Zān baʿd zamīndārān se kāghaz ṭalab kiyā. Awwalān zamīndārān inkār aur lait-laʾall karte rahe aur kawāghazāt khasra waghaira murattaba sābiqa pesh karte rahe. Magar ākhir kawāghazāt sambat 1874 ke sāl se li-ghāyat sambat 1890 ke sāl tak dast-yāb huʾe aur un meṁ dhāl-bāchh malba kā, ūpar qalba-hāṭ ke, nikalā. Chunānchī kisī sāl meṁ aṭhāwan hal aur kisī sāl meṁ pachāwan hal par malba kī bānṭ thī; aur min-jumla un ke haft-haṣṭī sāl kā tarjama bhī kiyā magar bilkull dil-jamʿī taqīm paṭṭī-hāṭ se na huṭī. Baʿd-az-ān khārījan daryāft huʾā ki sambat 1892 ke sāl taqīm paṭṭī-hāṭ kī huṭī hai. Us par kāghaz taqīm kā zamīndārān se is ṭaur banā liyā ki us meṁ taqīm qalba-hāṭ kī fī paṭṭī sawā āṭh hal, yaʾnī kull aṭhāwan hal kī taqīm, barābar ūpar haft paṭṭī ke hai. Ab iqbal-i khāwindān se zamīndārān bhī us par rāzī ho gaʾe aur rafaʾ tanāzaʾa kā bhī us se mutaṣawwar hai. Ba-mūjib us ke khewaṭ likhī jāʾegī."*

## 8.1 Size of holdings in ploughs, 1853

Table 8.1 opposite shows the size, in ploughs, of all shareholdings in the twenty villages of the core sample at the time of the 1853 Settlement. For each village the number of holdings of the most common plough sizes is given, together with the average and the range of holding sizes. Shareholding tenancies are shown separately from proprietary holdings. In eight villages the plough itself varied in absolute area from one subdivision to another.<sup>13</sup> But since the plough was the unit in which shareholdings were expressed, certain sizes of holdings predominated, however large or small the plough. Thus in the sample as a whole the most frequent sizes were 1,  $\frac{1}{2}$ , 2,  $\frac{3}{4}$  and  $1\frac{1}{2}$ , which together accounted for 63% of the proprietary holdings. This may be taken as a crude indication that the majority of holdings in 1853 had not arisen through fractional division but had been allotted in those sizes. Two remarks must be made to qualify this statement.

Firstly, villages differed in the way they were subdivided. Allotment usually entailed at least two stages, one to groups of shareholders, perhaps constituted formally as a *patī* or *thola*, and the other within those groups to the individual shareholding units. But shares might not be expressed in the same way at both stages. For instance in L-183 the eight subdivisions all represented one, two or three fifteenths of the whole village, but each had its own internal allotment of shares. Thus although individual holdings were expressed in simple multiples of half a plough throughout L-183, the plough of one subdivision was of a different size from the plough of another subdivision. On the other hand, in villages where the plough was of uniform size the complexity of holding sizes could still depend on how the subdivisions had been constituted, or on which stage of allotment had come first. For instance in L-187, where almost all the holdings were in multiples of half a plough, the four

<sup>13</sup> See Table 4.1 on pages 130-1 above for the number of ploughs in each subdivision.

Table 8.1: Size of holdings in ploughs, 20-village core sample, 1853

## a. Proprietary holdings

village	no. of sub-divisions	total no. of ploughs	holdings total no.	plough-oxen total no.	range of 'plough' sizes	size of holdings in 'ploughs'																							
						units			halves			quarters			eighths			sixteenths			thirds			others					
						1	2	3	4	1/2	3/4	5/8	7/8	1/4	3/8	5/16	7/16	1/8	3/16	5/32	7/32	1/16	3/32	5/64	7/64	1/2	3/4	5/8	7/8
55	2	18 1/2	12 1/5	58 3 1/2	1/2 - 3	6	3	2	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
56	2	4	5 0/8	19 4 8/10	1/4 - 13/4	-	-	-	-	1	-	-	3	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	
59	6	85 1/2	56 1/5	212 2 4/10	1/2 - 4 1/2	12	6	1	-	1	6	2	-	3	6	1	1	-	2	-	-	-	-	2	-	3	-	6	
60	6	86 3/4	94 0/9	277 3 2/10	1/4 - 2 1/2	26	3	-	-	18	4	1	-	2	10	5	3	-	-	-	-	-	-	1	1	-	6	2	
65	2	11 1/28	5 2/22	48 2 2/25	3/4 - 6 1/4	-	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	3		
66	2	9 1/4	10 0/9	66 7 1/10	1/3 - 2	-	1	-	-	-	-	-	2	-	-	-	-	1	-	-	2	-	1	1	-	-	2		
67	10	21 1/8	35 0/6	106 5 0/10	3/16 - 1 1/32	1	-	-	5	-	-	-	11	-	-	-	-	3	-	-	4	3	-	1	-	-	7		
68	4	21 1/2	34 0/6	115 5 3/10	1/6 - 1 5/8	2	-	-	11	-	-	-	1	3	1	-	-	3	1	3	-	1	-	4	3	-	1		
69	2	2	12 0/5	42 0/20	2	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
70	4	6	13 0/5	31 5 2/10	3/8 - 1	1	-	-	4	-	-	-	-	-	-	-	-	8	-	-	-	-	-	-	-	-	-		
71	4	37 1/4	27 1/4	106 2 7/10	1/2 - 3 1/2	5	7	-	-	7	2	2	1	-	1	2	-	-	-	-	-	-	-	-	-	-	-		
180	2					No	separate	holdings	in	1853																			
181	3	40 1/8	18 2/22	153 2 7/25	1 - 5 1/2	2	6	-	-	1	1	-	-	-	2	-	-	-	-	-	-	-	-	-	-	-	6		
182	2	17 1/2	13 1/3	94 3 6/10	1 - 2	4	1	-	-	4	-	-	-	3	1	-	-	-	-	-	-	-	-	-	-	-	-		
183	8	106 3/8	63 1/7	310 2 5/10	1/2 - 6 7/8	21	17	2	3	4	7	3	1	-	4	-	-	-	-	-	-	-	-	-	-	-	1		
184	6	33 1/2	46 0/7	186 4 9/10	1/4 - 1 5/8	4	-	-	-	18	5	-	-	1	6	1	-	-	2	-	-	1	-	-	-	5	1		
185	7	7	7 1/10	13 1 9/10	1	7	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
186	7	33 1/2	22 1/5	127 2 8/10	2/3 - 2 1/2	3	5	-	-	4	2	-	-	-	1	1	1	-	-	-	-	-	-	3	3	-	-		
187	4	31 3/4	27 1/2	90 2 8/10	1/4 - 2 1/2	11	5	-	-	3	3	1	-	-	1	1	1	-	-	-	-	-	-	-	-	1	-		
188	4	6 3/4	14 0/5	42 4 9/10	1/4 - 1 1/4	1	-	-	-	4	-	-	-	7	1	1	1	-	-	-	-	-	-	-	-	-	-		
Tot		604 23/56	502 1 2/5	2073 3 1/10	1/6 - 6 7/8	106	57	5	3	76	37	12	2	15	40	23	6	4	17	6	5	6	2	5	4	2	3	5	29

## b. Shareholding tenancies

59	1 $\frac{1}{2}$	2	0.8			-	-	-	-	1	-	1	-	-	-	-	-	-	-	-	-	-	-	-
65	1 $\frac{1}{2}$	9	0.2			-	-	-	-	1	-	1	-	-	-	-	-	-	-	-	-	-	-	-
71	2	2	1.0			2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
181	16 $\frac{7}{8}$	14	1.2			4	1	-	-	1	-	-	-	4	-	-	-	-	-	-	-	-	-	-
182	8 $\frac{1}{2}$	12	0.7			3	-	-	-	6	1	-	-	-	-	-	-	-	-	-	-	-	-	-
183	18	17	1.1			5	-	-	-	3	2	-	-	1	2	1	1	-	-	-	-	-	-	-
184	4 $\frac{1}{2}$	6	0.8			1	-	-	-	4	1	-	-	-	-	-	-	-	-	-	-	-	-	-
186	11 $\frac{1}{2}$	15	0.8			5	-	-	-	2	-	-	-	1	-	-	-	-	-	-	-	-	-	-
187	$\frac{1}{4}$	1	0.3			-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-
188	1 $\frac{3}{4}$	5	0.4			-	-	-	-	2	-	-	-	3	-	-	-	-	-	-	-	-	-	-
Tot	66 $\frac{19}{56}$	83	0.8			20	1	-	-	15	7	-	-	5	6	3	1	1	2	2	-	-	-	-

Note: All plough sizes are tabulated which occur more than twice in the sample. Among sizes not tabulated,  $1\frac{5}{32}$  and  $\frac{33}{64}$  occur twice in proprietary holdings (both in L-67), and  $\frac{9}{20}$  occurs twice amongst tenancies (in L-186);  $\frac{3}{14}$  and  $\frac{3}{5}$  each occur once in proprietary holdings and once in tenancies (the former in L-65, the latter in L-66 and L-186). 27 plough sizes occur just once, the largest of which are  $\frac{67}{8}$  (L-183),  $\frac{61}{4}$  (L-65),  $\frac{51}{2}$  (L-181),  $\frac{41}{6}$  (L-59),  $\frac{31}{16}$  (L-181),  $\frac{33}{5}$  (L-181, a tenancy),  $\frac{31}{3}$  (L-59),  $\frac{31}{8}$  (L-59) and  $\frac{31}{36}$  (L-181). Amongst "other" plough sizes "nix" indicates no specified size. For a discussion of which tenancies did not have plough sizes explicitly assigned to them in the registers, see pp. 192-3.



subdivisions were merely amalgamations of existing holdings. In L-59, however, the primary division of 75 ploughs was between two *paṭṭīs*, one having twice the share of the other. In the larger *paṭṭī* of L-59 there was a second division by fifths into three *ṭholas*, with 30, 10 and 10 ploughs respectively; and, by the expedient of considering the 10 ploughs of each of the smaller *ṭholas* to be equivalent to 16 internal ploughs, individual holding sizes could still be expressed in units of half or quarter ploughs throughout the *paṭṭī*. But in the smaller *paṭṭī*, its 25 ploughs were further divided first into four equal parts, to constitute three *ṭholas*, and then into thirds and quarters between the separate shareholding units, whose holdings measured complex fractions of  $\frac{25}{36}$ ,  $\frac{1}{18}$ ,  $\frac{1}{16}$ ,  $\frac{1}{3}$ ,  $\frac{2}{12}$ ,  $\frac{3}{8}$ ,  $\frac{3}{3}$  and  $\frac{4}{6}$  ploughs, none of which sizes occurred in any other village of the sample. As is usual in the matter of ploughs, each village had its own formula of allotment, though all used the same idiom.

The second point which should be kept in mind when reading Table 8.1 is that odd holding sizes such as those in the smaller *paṭṭī* of L-59 do not necessarily betoken a series of successive divisions over several generations; they could have been allotted that way, and they could also have come about in subsequent adjustments when newcomers were incorporated. In other words the number of "other plough sizes" in Table 8.1 is not an indication of the duration of an allotment. The essential point is that allotment was usually done in two stages, even in villages without formally constituted subdivisions, first to groups of shareholders, or to particular leaders of the community, and then to individual shareholding units, or to people the leaders were able to bring in. The example of L-70 was cited at the beginning of the chapter, where cultivators at the time of allotment appear to have constituted themselves on the model of a segmentary lineage rather than according to capabilities. Other examples may also be recalled: L-66, where the principle of capabilities applied both to the initial allotment and to subsequent divisions; and L-181, where a relatively simple division of 18 ploughs by three, six and nine

became complex fractions of seventeenths and thirty-fourths when a new cultivator was given a plough of land from out of the 18, rather than by changing the original 18 ploughs to 19 new ones (as happened in L-55, say).<sup>14</sup>

This said, however, some complex fractions had obviously arisen as a result of partitions.<sup>15</sup> The question is not whether internal partitions had or had not occurred before 1853 but, firstly, how long allotments had been in existence before then and, secondly, whether internal partitions had always followed rules of inheritance or had admitted some other principle of division, such as that of relative capabilities. Before this question is addressed a second point of reference in the idiom of ploughs must be established, concerning the absolute size of a plough of land. This is done in the following section.

<sup>14</sup> For L-66 see page 164. For L-181, see page 169. In one of the *paṭṭīs* in L-55, the original allotment of eight ploughs was changed "nominally" to nine when a late-comer was given a little land by each of the existing shareholders to make up an extra plough, without altering the basic field pattern. The resulting shares were therefore still reckoned in simple multiples of half a plough rather than in ninths. The process is described in the 1882 Genealogy as follows: *Andar paṭṭī ke awwal kull haqqīyat 8 hal ḥash-i zail (A mūrīṣ 1 hal, B mūrīṣ 1 hal, C mūrīṣ ½ hal, D mūrīṣ 2 hal, E mūrīṣ ½ hal, F wa G mūrīṣ 1 hal, H mūrīṣ 1 hal, I mūrīṣ 1 hal) par mafrūz hai. Lekin jab J mūrīṣ, ba'd taqarrurī ḥiṣṣa wa taqṣīm, ba-bā'is ḥam-qaumī ā-kar ahl-i birādārī se mustad'ī zamīn hu'ā, to ba-istiṣnā'-e D mūrīṣ bāqī kull mūrīṣān ne kisī qadr arāzī apne haloñ se de dī aur farzī ṭaur par ek hal kā mālik banā diyā. Ba'd meñ jab waqtan-fawaqtan shāmilāt dīh taqṣīm hoī rahī to us hal ko paṭṭī meñ nawwān ḥiṣṣa kī zamīn milī rahī.* ("Inside the *paṭṭī* the whole property was first of all measured out on eight ploughs as follows.... However, after the allocation of shares and the division [of land] the ancestor J, because he belonged to the same caste [*qaum*], came and requested land from the brotherhood [*ahl-i birādārī*]. So with the exception of D all the other ancestors gave him a little portion of land from their ploughs and made him nominally an owner of one plough. Afterwards whenever the village commons were divided, that plough received a ninth share of land within the *paṭṭī*.")

<sup>15</sup> An indication of the converse of this proposition is the simplicity of holding sizes in the most recently founded villages, L-55, 56 (where three newcomers were given  $\frac{1}{4}$  plough each) and 185.

For good measure the number of plough oxen recorded at the 1851 Household Census of each village is also tabulated in Table 8.1, together with the number of plough-oxen per plough of land in the village. The household census of most villages in *pargana* Sahnewal was conducted by a different agency from that which was involved in the records of Settlement. The possession of plough oxen was considered to define a man's occupation as agriculturalist; but not all agriculturalists, so defined, were registered as landholders, and not all landholders were shareholders, or holders of ploughs of land. Furthermore the plough itself was almost wilful in its variability. Nevertheless the proportion of plough oxen per plough of land does show some regularity.<sup>16</sup>

## 8.2 Absolute size of a plough of land

The second point of reference in the idiom of ploughs concerns the absolute area of a plough of land. The basic formula of the idiom was that a plough of land was what one team of oxen could plough in a day. This defined the norm for a productive unit. But the formula combined convention, or what might be agreed upon in a community, with absolute criteria, the extent of what could be worked with a certain set of resources in a given unit of time. The unit of time, the unit of work — what was considered a team of oxen — or the basic inputs of production might all by convention vary. But the crucial variable in productivity was the quality of soil. Rights to land being conceived as shares in all the common

<sup>16</sup> For example in L-66, which had no *paṭṭīs* or *ṭholas*, 9¼ ploughs were allotted to four or five primary units on the basis of their composition, some units consisting of brothers (or part of a set of brothers) and some including affines. It is not possible to say whether the affines had already been incorporated at the time of allotment or were incorporated afterwards. But the fact that in 1853 there was a close correlation between the size of each holding in ploughs and the household composition of those who worked the holding suggests the former. In any case even if partitions (such as the unequal partition between two brothers (1.) and (6.)) were subsequent to the initial allotment they appear to have been made on the basis of capabilities, not according to abstract rules of inheritance.

resources of a village, the cultivated land was therefore divided into blocks of different quality and every holding or share in the whole was made up of a share in each of the different blocks. In this way any disadvantages of location were equalized. A plough of land as a measure of an equalized holding was then uniform in size, value and productive capacity; and this would be true whether it was worked by exactly one team of oxen or the share of one plough expressed productive capabilities more loosely. The essential requirement for those holding land in shares, where liabilities were apportioned on the same shares, was that a share should signify the same for all members of the shareholding group, not that it should represent an absolute standard, the same everywhere. A share expressed in ploughs could still represent the shareholder's productive resources, but not necessarily in an identical manner for all groups. It comes as some surprise to find that an equalized plough of land could in fact stand for the same absolute area, measured in *bīghās*, both between shareholding groups and between villages in the same neighbourhood.

The allocation of shares within a group almost always involved 'counting upwards' from what shareholders commanded in the way of their individual resources, however these were conventionally understood, and then reckoning a share as a proportion of the total. One or two villages had subdivisions where shares were allocated by a contrary method of 'dividing downwards' from a total number of ploughs — the Awan *paṭṭī* of L-59 is an example —, but this method applied more to the determination of a group's share in relation to the whole village, in simple fractions of unity, rather than internally within a group.<sup>17</sup> Just as, what we saw in the previous section, individual shares were mostly in multiples of single ploughs (34% of the 502 proprietary holdings in the 20-village sample), half-ploughs (a further 25%) or quarter-ploughs (a further 18%, totalling 77%), so there was some tendency for the total

<sup>17</sup> Perlin (1985:441) uses the terms inductive and deductive to mark the same distinction.



number of ploughs in a shareholding group to come to a round figure. Of the 74 subdivisions in the 20-village sample, excluding L-69 and L-180 which in 1853 were not subdivided into separate holdings, exactly half had a whole number of ploughs, varying from two (in L-56, 67 and 188) to thirty (in L-59). But equally one half of the subdivisions did not have a whole number of ploughs. Nor was there any clear median value throughout the locality, a preferred size of grouping or an optimum extent of resources for a group to command. The reckoning of shares inside a group was usually in a different mode to that of the group in relation to the village, the former being in ploughs, the latter in simple fractions.<sup>18</sup>

The starting point from below would thus be a group of people, often centred around a particular leader, agreeing on the one hand to take responsibility for a certain share of the whole village and, on the other hand, to organize themselves internally as a shareholding body, allocating the resources they were responsible for corporately "in common", namely land, according to what they could command individually in the way of animal and human labour. They would organize themselves as separate teams of production in relation to each other, and as a corporate group in relation to similar bodies in the community or in relation to the whole. The composition of the group was to a large extent irrelevant: common caste would be a factor in group formation ("*ham-qaumi*" in the language of the 1882 genealogies) but if the group in fact consisted of agnates the shares of individual units would still be determined by their relative command of productive resources rather than by their agnatic relationship to one another. The important

point in the formation of shareholding groups was an agreement amongst shareholders about their joint and several liabilities. In terms of ideal types, the formation would be by contract rather than by status. The starting point of this form of organization was not the view a community had of itself in relation to the past, of itself gradually and naturally splintering into different lineages or descent groups, each with an inalienable right to a certain share of territory.

Similarly, whatever the cause for the occasional reformation of a village into shareholding groups or the reallocation of shares among members of a descent group, whether it be internal or external, an oppressive tax burden, population pressure, growing inequalities or a fall in status from non-cultivator to cultivator, the relevant point for understanding shareholding as a historical process in time is, not that it was an automatic response to certain economic conditions or certain forms of tax collection, nor that it was a custom associated with a particular 'tribe', but that it was an option that a community might always choose if the conditions — internal or external — were thought to require it. This was an option that was forever present in the vocabulary of working the land, of sharing fairly what was held by or demanded from a group in common according to what members of the group held or were capable of producing individually with their own resources.

The process of counting upwards from individual resources met the counter process of dividing downwards from the whole at the level of intermediate shareholding groups. Internally a group would be reckoned as so many ploughs, while in relation to the whole it would typically be reckoned as a simple fraction. The two contrary processes were not always compatible with maintaining a uniform size of plough between groups, since groups might have different numbers of shareholders and therefore different total productive capabilities. Logically one might say that a plough could only be uniform throughout a village if each intermediate group had been allotted sufficient land in the beginning to maintain a margin of waste land between its

<sup>18</sup> Table 4.1 on pages 130-1 shows the number of ploughs in each subdivision in the 20-village sample. The 74 subdivisions had 34 different totals of ploughs, ranging from  $1\frac{1}{4}$  in L-188 and  $1\frac{3}{8}$  in L-67 to  $22\frac{1}{4}$  in L-183 and 30 in L-59. The totals that occurred in the most number of villages were: 9 ploughs in four villages (L-55, 182, 186 and 187) and 2, 6 and  $6\frac{1}{4}$  in three villages each (L-56, 67 and 188 for 2, L-71, 184 and 186 for 6, and L-59, 65 and 184 for  $6\frac{1}{4}$ ). These frequencies are hardly enough to justify being called preferred values.



whole area and the sum total of its constituent holdings. But firstly the usual method of allotment to groups was to set aside uncultivated waste first, leaving it undivided, and then to divide up what was designated for cultivation between the groups on their respective shares; so a group was not given that margin of waste to start with. Only in some villages, the obvious example being L-59, did an alternative method of allotment prevail called *chak-bat*, where each major group was given a separate section of the village in one large block of land (a *chak*) containing cultivable as well as uncultivable waste. Moreover, secondly, the plough as a measure of holdings did act simply as a share, not only to signify an absolute productive capability, and could by convention therefore vary. The main example of a variable plough inside a village is L-183, whose eight subdivisions each had a different plough size (see Table 8.2a). Despite all this, it is worth tabulating the different sizes of plough over the locality since the absolute area of a plough of land in 1853 does show some agreement between villages of broadly similar land type. For instance L-181, which was subdivided into three equal *patīs* of 18 ploughs each, had the same size of plough, 30 *bīghās*, as L-182, 184 and 186. This is a fact which does command attention.

The agreement between the size of a holding in ploughs and the holding's absolute area in *bīghās* inside a village subdivision has already been noted in connection with L-188. At the 1853 Settlement of L-188, between the initial measurement of fields and the authorization of the *wājib-ul-arz* some readjustment was made between holdings, of which the effect — by inference therefore also the intention — was to make areas conform more closely with measures of ploughs.<sup>19</sup> In L-188 the revenue was distributed over ploughs. But in other villages where the revenue was

<sup>19</sup> See page 255. At the front of the field register (*khasra*) the Extra Assistant Settlement Officer, Mahtab Singh, sanctioned the changes that had been made to the register — changes that involved 27 plots out of 347, or (43=3) *bīghās* out of about 540 — but did not cite an order, nor was any mention made of the changes in the Settlement Officer's summing up (*robkār-i akhīr*) a month later.

distributed by a general rate per *bīghā* of cultivation or by soil rates the agreement was still close, within any one subdivision, between plough measures and absolute areas. In measurements of the 1842 Settlement indeed, when revenue was universally distributed by rates per unit area, the agreement was so close that one is suspicious of the way fields were actually measured: the important thing for the farmers was that, in the registers, the 'absolute' areas should agree with the shares.<sup>20</sup>

Between villages, however, there was no such need for uniformity in the size of a plough. It is true that rates of assessment of different soils and different crops were applied at the 1853 Settlement to groups of neighbouring villages which shared the same general aspect, and that village headmen were consulted on this matter.<sup>21</sup> But there is no evidence that the size of a plough of land entered in any way into these calculations. Egerton, the Settlement Officer who took over from Davidson in August 1853 and who wrote the notes accompanying the English Statements of each village in the Pargana Notebooks of *pargana* Sahnewal, did mention, unlike Davidson, the rate of incidence of revenue per plough of land, for villages in which the revenue was distributed over ploughs. But alongside the rate per plough was also given the size of a plough in *bīghās*, and it would be a mistake to infer that the relevant unit for comparing rates between villages was the plough rather than the *bīghā*. Assessment by ploughs had been expressly condemned by the Court of Directors of the East India Company twenty years earlier.<sup>22</sup> Any agreement in the size

<sup>20</sup> See page 183 regarding L-176.

<sup>21</sup> Davidson (1859:para.40).

<sup>22</sup> See page 282. Douie's Settlement Manual of 1899 says that an assessing officer might prepare a "plough estimate ... after the average area worked by each plough has been determined" (1899:para.341); and in para. 385 Douie wrote:

Statistics of ploughs and plough oxen do not possess as much importance as they once did, and the working out of plough *jamās* is no longer necessary. The question whether the cultivated area in any village can actually be regularly tilled is best answered now-a-days by



of a plough between villages in 1850 was more likely to be the result of common agricultural conditions in those villages than of a common overall assessment practice.<sup>23</sup>

The principal difference in land type within the locality studied was that between the 'High Bank' villages and villages situated in the lower lying basin of the river Satluj. The size of a plough of land in 1853 reflected this difference.

Table 8.2a Area of a plough of land in *bīghās*, *ḍhaiyā* villages of the core sample, 1853

av. size	range of values	no. of ploughs and no. of subdivisions
180	not applicable	recently founded: 2 equal <i>paṭṭī</i> s still undivided in 1853
181 (29-15)	(29-9) -(30-6)	54 ploughs in 3 equal <i>paṭṭī</i> s plus 3 ploughs in tenancies
182 (31-8)	(31-8)	<i>paṭṭī</i> -A, $\frac{2}{3}$ of village, 17 ploughs
(29-17)	(29-17)	<i>paṭṭī</i> -B, $\frac{1}{3}$ of village, 9 ploughs
183	(11-11)-(22-19)	a different size of plough in each subdivision, as follows:
	(22-19)	<i>paṭṭī</i> -A, $\frac{1}{5}$ of village, $18\frac{3}{4}$ ploughs
	(19-9)	<i>paṭṭī</i> -B, $\frac{1}{5}$ of village, $22\frac{1}{4}$ ploughs
	(20-15)	<i>paṭṭī</i> -C, $\frac{1}{5}$ of village, $20\frac{5}{8}$ ploughs
	(13-15)	<i>paṭṭī</i> -Da, $\frac{2}{15}$ of village, 21 ploughs
	(18-1)	<i>paṭṭī</i> -Db, $\frac{1}{15}$ of village, 8 ploughs
	(11-11)	<i>paṭṭī</i> -Dc, $\frac{1}{15}$ of village, $12\frac{1}{2}$ ploughs
	(12-1)	<i>paṭṭī</i> -Ea, $\frac{1}{15}$ of village, 12 ploughs
	(15-12)	<i>paṭṭī</i> -Eb, $\frac{1}{15}$ of village, $9\frac{1}{4}$ ploughs
184 (28-17)	(28-4) -(29-8)	38 ploughs in 6 roughly equal <i>ṭholas</i>
185	(102-14)	7 ploughs; recently founded
186 (32-0)	(28-8) -(33-17)	45 ploughs: six <i>paṭṭī</i> s of 6 ploughs, one of 9
187 (41-3)	(40-9) -(41-14)	32 ploughs in 4 <i>paṭṭī</i> s (2 x 8, 1 x 7, 1 x 9)
188 (31-0) x 2	(61-14)-(62-7)	$8\frac{1}{2}$ ploughs in 3 <i>paṭṭī</i> s and two subordinate divisions

In villages of the core sample that lay in the *beṭ* the size of the plough varied considerably, between (10=19) *bīghās*, in one of the *ṭholas* of L-59, and (53=7) *bīghās* in L-65. But in villages of the core sample that lay in the *ḍhaiyā*, or more precisely on the high bank itself overlooking the old course of the Satluj, the variation, with one exception, was more slight. The figures are given in Table 8.2a.

an appeal to the crop returns. But the relation of the number of ploughs to the cultivated area should not be overlooked...

These were actual working ploughs rather than measures of land.

<sup>23</sup> It may however be remembered that L-181, where the plough size was the same as in L-182, 184 and 186, was the only village whose fiscal history in the 1850 *taḥṣildār*'s report contained the phrase *kankūt halsārī*, "appraisal by ploughs". See page 59, footnote 14.

Four of the villages on the High Bank thus had plough sizes of between (28=4) and (33=17) *bīghās*, and a fifth (L-188) had a double-sized plough of (62=0) *bīghās* or twice (31=0). The average area of a plough in these five villages was (30=8) *bīghās*. Of the three other villages, L-183 had its own system; L-185 was exceptional, being recently founded and all the cultivation being managed from L-184; and L-187 had a plough one-third larger than the standard plough of (30=8) *bīghās*.

Other High Bank villages of the maximal sample add the following values of average plough-sizes.<sup>24</sup>

Table 8.2b Area of a plough of land in *bīghās*, *ḍhaiyā* villages outside the core sample, 1853

average size	number of ploughs
152 (27-14)	27 "shares" ( <i>hiṣṣa</i> )
177 (28-5) x 2	$47\frac{3}{4}$ double-sized ploughs
178 (31-16)	40 ploughs
176 (38-19)	23 ploughs
157 (41-19)	60 ploughs
174 (15-8) or (30-16)+2	70 half-sized ploughs
175 (21-2)	24 ploughs
158 (21-18)	$28\frac{1}{4}$ ploughs (estimated) in the landlord <i>paṭṭī</i>

Taking all values together we can say that two modes of plough sizes are evident on High Bank villages in 1853: one plough size of around 30 *bīghās* and the other of around 40 *bīghās*. If one accepts that ploughs could by convention be considered equivalent to half the norm, as well as to twice the norm, then the values for the landlord *paṭṭī* of L-158, for L-174 and for L-175 can also be included.<sup>25</sup> The presence of

<sup>24</sup> The calculation of average plough sizes in villages not belonging to the core sample has been made in a different way, by dividing the total cultivated area of a village, including *jadīd* land (newly thrown out of cultivation), by the total number of ploughs. The average plough size calculated in this way will be slightly larger than if I had taken details of individual holding sizes in these villages, since the cultivation of non-shareholders will be included. For L-158 the number of ploughs in the landlord *paṭṭī* has been estimated — see page 301 above.

<sup>25</sup> For instance, the number of ploughs in L-184 was simply doubled between 1853 and 1882, and that in L-56 was quadrupled, in order to make the calculation of shares easier. That is to say, where in 1853 *ṭhola*-a of the

two modes within the same local zone is not extraordinary, when comparison is made with other parts of the world where ploughs were a standard unit of assessment. Under Ottoman rule, for instance, the size of a *chiftlik* in Aydin (ancient Ionia), according to a local ordinance (*qānūn-nāma*) of 1528, varied between 60 units of area (*donums*) for good land, 80 units for land of medium quality, and 130 units for poor land; and in Greater Syria at the end of the nineteenth century the Ottoman Land Code recognized a similar range of values, 70-80 *donums* for good land, 100 for medium and 130 for bad.<sup>26</sup>

In the *beṭ* the average plough size varied more than in the *ḍhaiyā* but was consistently half to two-thirds the *ḍhaiyā* standard. The figures are given in Table 8.3. The calculation has been made from the total cultivated areas, as in Table 8.2b. For some villages even this calculation could not be made, either because Gokul Kumar's register has not survived or because the revenue was only ever distributed over the absolute area of cultivation rather than over ploughs. The figures for another five villages have been excluded from the table for other reasons: L-47 was under the direct action of the river in 1853 and the plough was

Gujars' *paṭṭī* had 6½ ploughs, in 1882 it was considered to have 13; and where in 1853 each *paṭṭī* of L-56 was reckoned to have two ploughs, in 1882 each had eight.

<sup>26</sup> Inalcik (1983:106) defines the *chift* or *chiftlik* as follows:

The *chift-khana* system consisted of organization of agricultural production on the basis of peasant households, *khanas*, each of which was given a *chift* or *chiftlik*, i.e. a plot of land of sufficient size to sustain one peasant household and pay the "rent" to the landholder (the state). The size of the *chiftlik* varied with the fertility of the soil from 60 *donum* to 150.

See also Inalcik (1960/1978:238) — "*Chift* means in Turkish simply a pair or a pair of oxen yoked to a plough" — and Firestone (1975:20,n.26). *Chift* is cognate to the Persian *juft*, concerning which see Lambton (1953:4-5) — "The basis of the village is the peasant holding. This is reckoned in two main ways, by plough-land or by a share of water." — and Sykes (1910:3): "The unit of land taxation in Persia is the plough. The basis is that the output of one plough in three or 33⅓% belongs to Government."

reduced to (1=12) *bīghās* (according to Egerton's report in the Pargana Notebook); L-65 because the plough was so large, at (56=12) *bīghās*; L-69 because there was just one

Table 8.3 Area of a plough of land in *bīghās*, villages of the *beṭ*, 1853

Below the mean value, (16·4) <i>bīghās</i>		Above the mean value	
average	no. of ploughs	average	no. of ploughs
53 (15·19)	16	59 (16·10)	87 (two modes)*
45 (15·16) x 2	67 (four modes)	61 (16·19) x 2	12
102 (15·14) x 2	27 (part estimate)	85 (17·2)	93⅜
52 (15·7)	37½	63 (17·5)	36⅝
82 (15·6)	42	71 (17·7)	39¼ (two modes)
38 (15·1) x 2	44	56 (17·9) x 2	4 (16 in 1882)
76 (14·13)	54⅞	68 (18·0) x 2	21½
57 (14·12)	33½	101 (18·7)	58¾
84 (14·8) x 2	22½	89 (18·9) x 2	28½
55 (14·5)	18½	88 (18·14)	22½
64 (14·2)	107¼	60 (18·14)	86¾ (estimate)*
49 (13·19)	21½	72 (18·18)	53⅞
74 (12·16) x 2	36	51 (19·3) x 2	8¼
54 (12·14)	82¼	86 (19·16)	36⅝
50 (12·3) x 2	11	66 (20·0) x 2	9¼
67 (11·18) x 2	21⅞	44 (20·5)	33
46 (11·0)	4 (Egerton's rate)	75 (22·0)	34
62 (10·13)	97	80 (22·2)	36
40 (10·12)	49½		

\* In two *ṭholas* out of three in the first *paṭṭī* of L-59 the number of ploughs was increased from 10 to 16 for the purpose of reckoning shares internally, thereby reducing the area associated with a plough. This was a matter of convention rather than because the soil was of different quality, since the land of all three *ṭholas* was intermingled. The average plough sizes in the six *ṭholas* were (17·19), (11·0), (10·19), (20·4), (18·19) and (18·18) *bīghās* respectively, hence "two modes". Generally, plough sizes in Table 8.3 have been calculated from the total cultivated area rather than from the individual holdings.

In L-45, Egerton noted the following plough sizes in the 1853 Pargana Notebook: (15·3), (20·0), (21·8) and (21·9) in one *paṭṭī*; (33·12), (34·3), (34·18) and (35·10) in another *paṭṭī*; and (60·14) and (59·13) in a third *paṭṭī*; hence "four modes", although taking the mean of such different modes is absurd. I do not know whether each *paṭṭī* had land in a separate block, as in L-59, in which case the different plough sizes could reflect different qualities of soil, or whether the land of the three *paṭṭīs* was intermingled, as in L-181.

In L-71, the four different *paṭṭīs* had the following plough sizes: (12·4), (13·5), (19·18) and (20·8) *bīghās*; hence "two modes".

In L-60, where the original allotment had not been maintained, the number of ploughs has been estimated in two of the six *paṭṭīs*, with plough sizes varying as follows: (15·0), (16·17), (16·16), (24·2), (21·9) and (19·19) *bīghās*.

holding, of (54=6) cultivated *bīghās*, which Gokul Kumar registered as 2 ploughs; L-70 because the area of individual holdings gives an average plough size of around 43 *bīghās*



whereas calculation from the total cultivated area gives  $(56=9)$ ;<sup>27</sup> and L-81, where the total cultivated area divided by 40 ploughs gives an average plough size of  $(25=10)$  *bīghās*, because land was really not allotted by ploughs at all, as we saw in Section 7.3. Finally, showing a plough size in Table 8.3 as half its recorded value has been done in order to fit values within a certain range; but since the top of the range is more than double the bottom, this procedure is open to question. With all these strictures the values for 37 villages lie within the range  $(10=12)$  to  $(22=2)$  *bīghās* as shown in Table 8.3. The mean of these 37 values is  $(16=4)$  *bīghās*, and this is also the median. But the distribution is not strictly normal since there is a slight concentration of values around two modes, roughly 15 and 18 *bīghās* respectively. If the standard deviation is calculated  $((3=0)$  *bīghās*) then two-thirds of the values do fall within the range of mean  $\pm$  standard deviation.

Within the range of plough sizes in the *bet* other regularities could be searched for, such as the concentration of values around  $18\frac{1}{2}$  *bīghās* in the four neighbouring villages of L-86, 88, 89 and 101, or the small plough sizes in villages on the immediate bank of the river Satluj (L-44  $(2 \times (10=3))$ , 46, 62 and 74). But the main point of Tables 8.2 and 8.3 is to establish that there was some regularity in plough sizes, and that this regularity does appear to have had something to do with the quality of the soil. Once this point is conceded, and is set against the regularity of holding sizes in multiples of half a plough, the subject of the previous subsection, it must then be conceded that a plough was more than an "algebraical symbol to express a fixed share", and that 'fair share' allotments were doing more than simply sharing out land fairly.<sup>28</sup> A plough of land was what a

<sup>27</sup> See page 192, footnote 3, concerning doubt over measurements in L-70.

<sup>28</sup> Campbell (1852:87), whose observation is worth quoting in full.

The whole land is the common property of all, and they have certain common responsibilities in return for common rights. But things are managed in this wise: every village is divided into a certain number of fixed portions called ploughs, but a plough is rather like an algebraical symbol to express a fixed share than a literal plough. The arable land

plough-team could cultivate. In the next section relations within shareholding communities are examined again with this point more firmly in mind.

### 8.3 Duration of allotments

The third point of reference in the idiom of ploughs concerns the length of time before 1853 a particular allotment — a particular distribution of land on shares — had been in existence. Periodic reallotments of cultivation may not have been a general feature of tenure in villages around Ludhiana, except where the land was subject to the direct

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then is divided into, say for instance, sixty-four ploughs, and every man's holding is expressed in ploughs; he may have one plough, or two ploughs, or a plough and a half, or three-quarters of a plough; all imposts, whether of government demand or of common expenses, are assessed at so much a plough, and each man pays accordingly. In the first instance lands might be annually changed, after the fashion of the Germans, by way of guarding against inequalities, but since the communities have settled down the holdings are fixed, and he who invests in wells, &c., cannot be dispossessed.

So much of the common right remains that the members may claim periodical remeasurements and re-adjustments of holdings and payments, to rectify the inequalities and alteration of boundaries which may gradually arise. The grazing-ground of each village is common to all....

If fresh land is brought under cultivation, it may either be shared by all, the number of ploughs remaining the same, or, if all do not desire fresh land, certain members may by common consent be allowed to create fresh shares: say land equal to two ploughs is broken up, there are henceforth sixty-six ploughs, and the imposts per plough are lightened to all. But when the grazing-ground is no larger than sufficient to afford pasture to the village cattle, no one is permitted to break it up.

In large villages there are generally two or three great divisions called Pattees; for example, in the instance quoted there may be one Pattee of thirty-two ploughs, and two of sixteen each, and each Pattee has, if possible, some share in the representative Punch....

Davidson viewed the expression of shares in ploughs similarly as "almost completely an abstract computation"; see page 385, footnote 8.



action of the river. But neither had allotments been going on for ever. Villages which claimed an ancient foundation had field patterns which had been laid out recently. In the case of one village (L-157) its 1882 history mentioned the deliberate "mixing-up" (*makhliūt*) of land during the 1840s, which must be taken to mean a general reallocation.<sup>29</sup> Yet in another case (L-60), where there was a sudden exorbitant increase in the revenue demand around 1843, the increase was somehow absorbed, probably by bringing in new cultivators, without the new holdings being equalized. The old field pattern remained, which had been laid out in equalized holdings for two or three families in each of six *paṭṭīs*, but it was now occupied by very many more families in holdings no longer uniform in value. There were no hard and fast rules. Although a full reallocation was always a possibility, the more usual strategy was for a group to make a small adjustment of its share in relation to others, or for it to try and maintain its share by bringing in new partners. The holding of a certain measure of ploughs was a political as well as an economic fact, and was not to be overturned lightly.

As far as the transmission of shares over time is concerned, participation in an allotment entailed obligations to the community, not the freedom to dispose of a piece of real estate at will. Reversion to the community was a fundamental principle. So long, therefore, as these individual obligations were met, a community could fulfil its own obligations to the ruler and there would be no need for shares to be reassigned. But here too there was no hard and fast standard. In some villages the principle that the shares of brothers be equal could be maintained over two or three generations, whereas in others a father's share would be divided amongst his sons unequally according to their several capabilities.

In considering the reproduction of the land system over time there are thus two related questions to ask. The first is the actual duration of an allotment, whether its initial

<sup>29</sup> See footnote 16, page 141.

participants had expected the allotment to endure or not. The second is the manner in which holdings were taken on by succeeding generations without the basic allotment being disturbed. The first question will be addressed presently. Two sources will be examined, genealogies and field maps.

### 8.3.1 Genealogies

From the genealogies of proprietors prepared at the 1882 Settlement the number of generations in which shares were divided equally amongst sons can be counted backwards from the 1853 shareholders. If in a village shares were assigned at the time of allotment according to some other principle than that of equality between brothers, such as the principle of capabilities (*istatā'at* in the language of the 1882 genealogies), then this backward count provides a rough measure of the length of time the allotment had been in existence before 1853. For villages in the core sample the highest such count belongs to L-186, whose genealogy is reproduced on the following two pages.

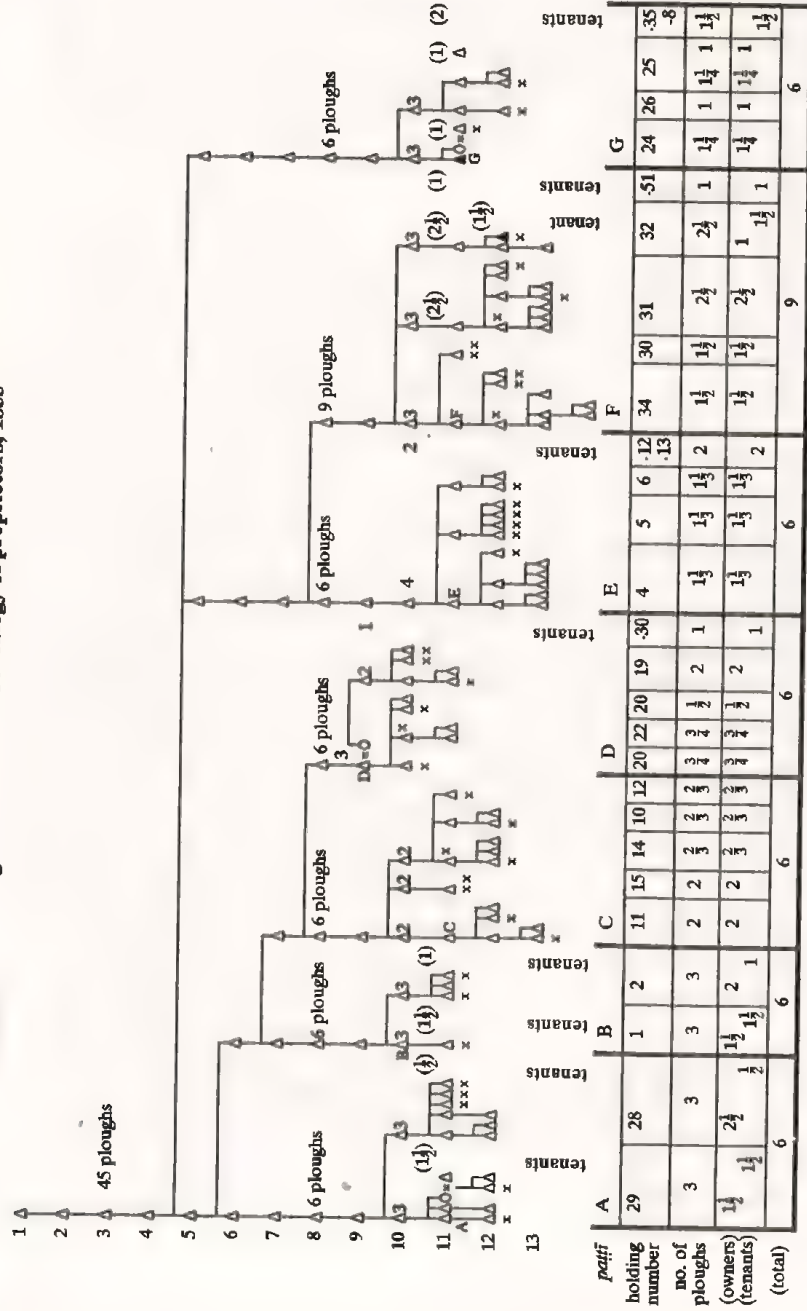
1853 shareholders of L-186 are to be found on the genealogy between generations 10 and 14, although those in the fourteenth generation, in holding (34.), had in fact succeeded their grandfather, the registered householder at the time of the household census, only one year previously in 1852.<sup>30</sup> The break in the way shares devolved occurs in the eighth generation. After the eighth generation shares appear to have devolved according to regular rules of inheritance. But the shares in the eighth generation could not have arisen in the same way. Can we then take the allotment to have taken place in the eighth generation?

It is more probable that the allotment took place in the 9th or 10th generation, for two reasons. Firstly, each descendant in the eighth generation had only one son, whereas the genealogical detail of subsequent generations is much more varied, both in the number of surviving sons and

<sup>30</sup> The grandfather's household was of composition (4-4-4-0) at the time of the census.



Figure 8.1 L-186: Genealogy of proprietors, 1853



**Explanation:** Because the shares of descendants in the 8th generation could not have arisen through inheritance it might be deduced that a new allotment of ploughs had taken place in that generation. But the allotment is more likely to have taken place in the 10th generation (9th for *paṭī*-D) since it is only after the 10th generation that the shares make sense on an individual basis, with two or three ploughs being allocated to each descendant and each shareholding group assigning some ploughs to affines and 'tenants'. The genealogy should thus be considered less from the point of view of descent than as representing how an allotment of land on shares had been managed by each constituent group of shareholders in the two or three generations before the genealogy was recorded.

**Notes:** 1. An x underneath a person indicates that he was a householder at the time of the census in 1851. In two cases, (15.) and (30.), where the registered landholder's oldest son also had a household, two x-es are given.

2. The tenancy (.51) was contained in a holding shared by (31.) and (32.), not by the whole *paṭī*. The tenancy was said to have been in existence for "three generations". The tenancy of 1 1/2 ploughs in (32.) was held by (34.) (and passed on (32.)'s issueless death into the *paṭī* *shāmīlār*, as [110] in 1882).

3. At the time of Gokul Kumar's initial registration in 1850 the tenancies in (28.) and (29.) were contained within a single joint holding of the *paṭī* *shāmīlār*, totalling 2 ploughs. They were subsequently divided between the two individual proprietary holdings. (20.) and (22.) were also still joint in 1850, as were (12) and (13).

4. The devolution of shares in *paṭī*-G is unclear. G himself had died before 1850. G's sister had been given one plough during his lifetime, and his own share seems to have reverted to his agnates on his death. At Gokul Kumar's registration there was another tenancy on 1/2 plough in the *paṭī* *shāmīlār*, which afterwards reverted to (24.) and (25.)<sup>a,b</sup>, adding an extra 1/4 plough to each. (25.)<sup>c</sup> was said to have been given one plough by (25.)<sup>a,b</sup> and (26.) because he was a relative (*birūdār chacha-zāda*) and "of the same caste". The original allocation to tenants was thus of two ploughs, equal to that of each branch of the proprietary family.

5. The tenants were from a variety of castes (Gujar, Jat, Arain, Saiyid, barber, Faqir and Chamar), for the most part different from that of the proprietors (Rajput). (12), (13) and (37) were Rajputs. The tenancy in (2.) was a tenancy-at-will held by the sons of one of the village *mu'āfīdār*s (39.), and may have been taken on from a previous occupant. The only other shareholding tenancy-at-will (.38) had been taken on by the new occupant only after Gokul Kumar's registration because the previous occupant's sons were too young (see page 129 above).

in the extent to which land was passed to affines or to shareholding tenants. If shares were allotted according to capabilities, and one of the chief measures of capabilities was the number of active sons, then the allocation of nine ploughs to *pattī*-F, in contrast to six ploughs to each of the other *pattīs*, makes more sense if the allotment is assumed to have taken place when F's branch of the family divided into three. Indeed, if the share of each descendant is entered on the genealogy at the next point after the 8th/9th generation where the genealogy divides, then an allocation of two or three ploughs per descendant can be inferred. If, on the other hand, the allotment is assumed to have taken place in the 10th generation, and to have taken account of the number of each descendant's sons at the time, then the allotment would have been more unequal. On this logic, then, the allotment took account of the number of sons in the 10th generation but not of those any later. This puts the time of the allotment in each *pattī* as one or two generations before the seniormost shareholder in 1853.

A second consideration is that the *pattīs* were named after descendants in the 9th, 10th and 11th generations, as shown on the genealogy, no more than one generation before the 1853 incumbent. The logic here is that the person in question had been the leader of a group of shareholders who had already partitioned into separate holdings — in the case of *pattī*-D the partition having occurred between D himself, his father-in-law's son (*khusar-pūra*) and the shareholding tenant (.30) (who, incidentally, was said to have been cultivating for "30-40 years" before 1853).<sup>31</sup>

It seems unlikely that there was any shareholder still alive in 1853 who had been an adult and whose capabilities had been taken into account at the time of the allotment. From the genealogy, the brother of F, (30.), and the sons of D

<sup>31</sup> Among other shareholding tenants, (.12), (.13), (.35) and (.36) were said to have been cultivating "since antiquity" (*qadīm se*), (.51) for "three generations", and the others for shorter periods. Regarding the sister's son of (26.) (not shown on the genealogy), who was said by Gokul Kumar to have been cultivating for 25 years but whose name was removed from the final 1853 register, see pages 172 and 207 above.

appear as possible contenders. But at the least (30.) must have been joint with F at the time, for if he had been independent the allocation of shares would have been different. The composition of (30.)'s household in 1850 was (3-2-1-0), and the oldest of his three sons had a separate household of composition (1-1-0-1). By 1882 the first two of (30.)'s sons had been succeeded by one son each, whereas the third was still alive. These items of information suggest that in 1853 (30.) had been perhaps 55 years old, give or take ten years. The time of the allotment would then be placed at least 45 years beforehand. On the other hand, the fourth son of D was still a minor when the *wājib-ul-arz* was attested in 1853, although his older brother's two sons (22.) were already adults at the time (their father having been the registered householder in the census, with a household of composition (3-2-0-0)). In order to manage his six ploughs D had had to bring in his wife's brother — not usually a relationship to be called upon for help in the Panjab — and presumably this had been done before D's own sons were taking an active part in cultivation. Again this puts the allotment at around the first decade of the nineteenth century.

Deduction on the basis of a genealogy (with some help from the household census) is of course conjectural. Comparison with the corresponding field map would provide further insight.<sup>32</sup> But the point of the analysis is to put some contours around the duration of allotments and the periodicity of reallotments. On the basis of genealogies alone, L-186 appears to have had the longest standing allotment of the sample in 1853. From the example of L-186 a duration of 50 to 60 years was possible. No allotment existed in 1853 which had lasted longer than 50-60 years. Whether this is because the political and economic conditions of the period had been unsettled, or because the land system itself required periodic reallotments, must remain an open question.

<sup>32</sup> The field map of L-186 was one I did not examine in the course of field-research.



**8.3.2 Field maps**

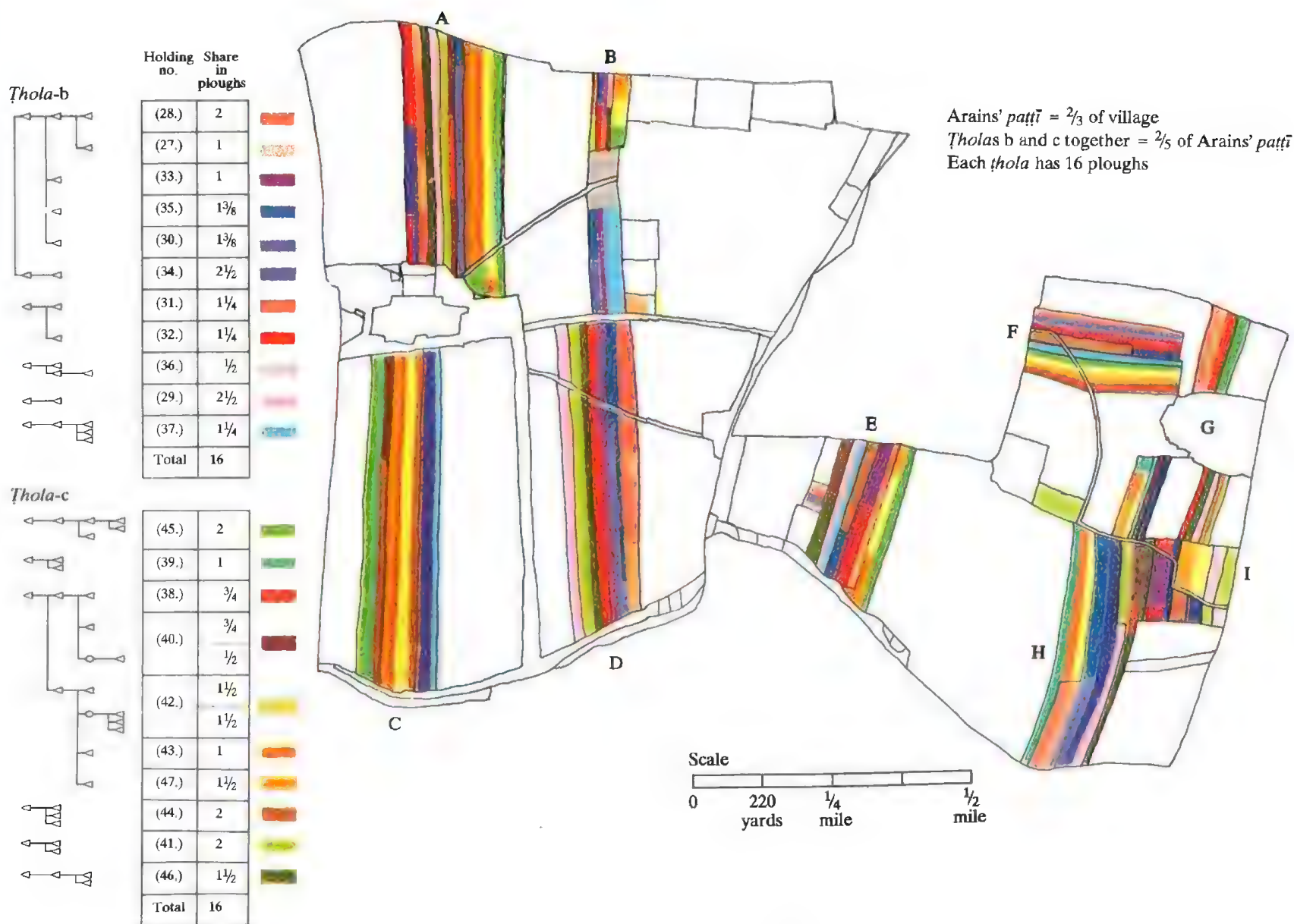
On the basis of genealogies alone L-186 was considered to have had the longest lasting allotment in 1853. On the basis of field maps, by contrast — of which we have only a restricted sample, not including L-186 — it is L-59 whose fields were most fragmented in 1853 and therefore whose allotment appears to have been in existence the longest. The measure of duration here is not the number of generations over which shares had been divided equally between inheriting sons but the number of times a strip of cultivation had been subdivided. According to this very rough measure the allotment of L-59 had lasted less than one complete cycle of subdivision before 1853, equivalent to less than one complete generation.

The field map of the Arains' two-thirds of the village is reproduced on the opposite page. The Arains' *paṭṭī* was divided into three *ṭholas*, of which the fields of the second and third *ṭhola* are shown in detail.<sup>33</sup> Together, these two *ṭholas* comprised  $\frac{2}{3}$ ths of the *paṭṭī*, or 20 ploughs out of the total of 75 in the village. Their fields were so intermixed that they must have been laid out as a unit like the fields of the first *ṭhola*, and this is corroborated by the *taḥṣīldār*'s 1850 assessment report.<sup>34</sup> Each *ṭhola* had 10 ploughs, which were considered equivalent to 16 internal ploughs for the purpose of reckoning shares within the *ṭhola*. There were 21 holdings in the two *ṭholas* in 1853, which varied in size from  $\frac{1}{2}$  a plough to 3 ploughs. In absolute area the plough varied within the two *ṭholas* from (9=6) *bīghās* to (12=4) *bīghās*, the magnitude of this variation probably accounting for the fact that the assessment was distributed at the 1853 Settlement not over ploughs but by a rate per *bīghā* of cultivation.

The composition of each *ṭhola* is shown alongside the field map. Each *ṭhola* had one family with more shareholders

<sup>33</sup> For the division of land between the different *paṭṭīs* and *ṭholas* see Map 4.1 facing page 145 above.

<sup>34</sup> See footnote 27, page 146.



Map 8.1 L-59: shareholders' allotments in *Tholas b* and *c*, 1853.



than any other family. In *thola-b* the headman's family held 6 of the 11 holdings, accounting for  $9\frac{1}{4}$  of the 16 ploughs. In *thola-c* a family other than the headman's held 5 of the 10 holdings, accounting for  $7\frac{1}{2}$  of the 16 ploughs. Each branch of this *thola-c* family had given some land to affines (sisters' sons). In neither of these two major families had shares devolved regularly. The question is whether the shares were the product of an unequal partition between co-heirs or had been allotted in those sizes.

The field pattern is not entirely regular. If strips are grouped by location into nine different blocks then some blocks were more regular than others. Blocks C and D together formed a particularly regular unit, in that each shareholder in 1853 had one and only one strip within the two blocks combined, with the exception of the aberrant (36.) whose  $\frac{1}{2}$  plough, of ( $9=6$ ) *bīghās*, lay in a single plot in block B rather than being spread over different blocks. But across the stream to the south-east there was less regularity. It is possible that cultivation had been extended into different parts of the village at different times and that this accounts for some of the irregularity. But on the other hand some irregularity must be expected. The manner in which strips were measured out can never be reconstructed exactly. Shareholders may have formed themselves into different units at different stages of allotment, or they may have been grouped in different ways in the different blocks simply for convenience.

Two kinds of field pattern should be considered when trying to reconstruct the history of an allotment: patterns of contiguity which involve transverse cuts across the line of a strip, and patterns of contiguity which involve longitudinal cuts down the line of a strip. Not all transverse cuts imply successive division of a strip. For instance the width of block B was so narrow that transverse cuts may well have existed at the initial allotment — the fact that (44.) shared a strip in block B with (41.) may have been a matter of convenience when the strips were laid out, not signifying a special social bond. Nevertheless as a general rule the degree of fragmentation is measured by the number of transverse

rather than longitudinal cuts. On this basis the plots of (38.) and (40.), (31.) and (32.), (35.) and (30.), and (28.) and (27.), in blocks C and D, indicate that each of the strips in question had once been undivided, in other words that the holdings had been partitioned after the initial allotment. The pattern of fields in all the other blocks is consistent with this deduction. Reference to the genealogy shows that each of these four partitions was between brothers; that in three cases the brothers received equal shares and in the fourth not;<sup>35</sup> and that in two cases, those of (28.)+(27.) and (35.)+(30.), the undivided units had belonged to one or two of a set of four brothers, the fourth brother (33.) having received only one plough. The initial allotment must therefore have taken place before the partition between (35.) and (30.), and before the partition between (28.) and (27.). The question is then whether all four brothers had been joint at the time of the allotment or had already formed themselves into separate units. This is where longitudinal contiguity comes in.

If the proposition is that holdings whose strips lay next to each other in every block of cultivation had once been joint then this proposition must be applied to holdings owned by a set of close agnates as much as to holdings owned by a set of unrelated people. But whereas in the former case the shares of individual holders could have arisen through inheritance, albeit unequally, in the latter case this could not have been so. That is to say, in the latter case the unrelated shareholders could only have had a joint holding if they had once formed a small coparcenary within which their shares were agreed amongst themselves. If this possibility is acknowledged for a group of unrelated shareholders, however, then it must also be acknowledged for a group of agnates, particularly where the shares of the agnates were unequal; and in that event then the unequal shares of the

<sup>35</sup> The son of the senior brother of (38.) and (40.) was said in 1853 to have lived in Jullundur district across the river "from the first day" (*roz-i awwal se*) but he was still registered as *mafrūr* at the 1853 Settlement, with a share in both (38.) and (40.) of  $\frac{1}{2}$  plough, equal to the share of each of the others, including that of the sister's son.

individual agnates may have been agreed upon at the original allotment rather than have arisen through inheritance. I believe this argument applies to the larger families in each *thola*. Two contrasting cases will illustrate the argument.

The strips of cultivation belonging to (29.), (41.) and (46.) lay next to each other throughout the village, even though (29.) belonged to a different *thola* from the other two and (46.) belonged to a different caste. Together their holdings amounted to 6 ploughs. In blocks A, B, E, H and I they also either shared a strip with (38.) and (40.), or had adjoining strips. All five holdings together accounted for 8 ploughs or a quarter of the two *tholas* combined.

On the other hand, (42.) (43.) and (47.) belonged to three brothers, the oldest of whom shared his 3-plough holding with his sister's three sons. The shares of the four parties were thus  $1\frac{1}{2}$ ,  $1\frac{1}{2}$ , 1 and  $1\frac{1}{2}$  ploughs respectively, together making  $5\frac{1}{2}$  ploughs or about one third of the *thola*. Here the interesting point is not just whether all three holdings had once been joint, but how, whether they had been joint or not, the sister's sons had been incorporated, by (42.)<sup>a</sup> alone or by all three brothers. For we know from the file of L-59's measurement proceedings that when the fields were being measured (42.)<sup>a</sup> was separate from (42.)<sup>b,c,d</sup>, and that (42.)<sup>a</sup> then petitioned the authorities to register the holdings as joint "because his son having died he could not manage the holding on his own".<sup>36</sup> Yet (42.)'s strips in 1853 were seamless, showing no join. Was there some informal exchange of fields between the three brothers in order to effect the join? The question raises the issue of the relative ease with which boundaries could be readjusted between members of a small shareholding group, compared with the

<sup>36</sup> Item 11 of the file of measurement proceedings of L-59 is (42.)<sup>a</sup>'s statement: "My land was previously separate but now, with the death of my son, I have made it joint with (42.)<sup>b</sup> and, because I am old, I cannot manage the cultivation on my own" (*āge merī zamīn 'alāhida thī aur ab, ba-bā'is mar jāne betā mujh X ke, main ne apnī zamīn shāmil Y ke kar lī aur mujh se, ba-bā'is za'īfī, kām khetī kā tanhā anjām nahīn ho saktā*).



practical difficulty of reallocating land within a whole *thola*, *paṭṭī* or village.

Like the analysis of genealogies analysis of field patterns should not be pushed too far. It is possible that land was allotted in L-59 by a different method than in other villages. In L-183, for instance, the number of ploughs in each subdivision was calculated by adding up the ploughs of individual shareholders; equal subdivisions therefore had different numbers of ploughs. In L-59, on the other hand, equal subdivisions had the same number of ploughs: the number of ploughs in a subdivision was either simply divided downwards to get the size of individual holdings, as in the Awan *paṭṭī*, or distributed amongst the shareholders in simple quantities, a more restrained process of allocation than freely counting upwards. Groups of shareholders, whether they were close agnates or not, would have agreed to take on responsibility for a certain large measure of ploughs, which they then divided up between themselves. For this reason there were sets of holdings in L-59 whose plots were always next to each other, not because the holdings had devolved over the generations by a natural process of subdivision through inheritance. The idiom of ploughs, as an idiom of capabilities, still applied but it was, as ever, applied in a variety of different forms.

In any case the specific question of how long the allotment in L-59 had been in existence before 1853 has been overtaken by the more general question of how an allotment was managed after it had been laid out. The formation of small groups of shareholders, and the subdivision of a holding according to the capabilities of its cosharers rather than by the uncontested submission of a set of co-heirs to abstract rules of inheritance, is the subject of the following section.

#### 8.4 Partitions between brothers before 1853

The fourth point of reference in the idiom of ploughs concerns the continuing use of the idiom in the internal

apportionment of shares after land had been formally allotted. Once a shareholder, or a group of shareholders, had assumed responsibility for a certain measure of ploughs, that measure did not change. The question is how a holding was managed subsequently, or what the principles were on which it would be partitioned. Allotments were based on the relative capabilities of shareholders. Thereafter did shares just follow rules of inheritance?

I should emphasize that I do not mean to set up the principle of apportionment by capabilities as an alternative to the notion of inheritance. It seems never to have been the case that a man's heirs would be passed over in favour of someone quite unrelated. When a shareholder died, his share in a holding did not simply revert to the community, to be allotted afresh, but was taken up in a definite order of precedence, first by the deceased's heirs and then, in the absence of heirs, by other members of the shareholding group. Apportionment by capabilities relates, therefore, to the size of an heir's share rather than to entitlement *per se*. In any case, being limited to the land records for source material, we can say little of the processes by which either apportionment or inheritance came about. The relation between abstract rules of inheritance and what happens in any concrete instance is always uncertain. Yet it is from the conclusion of a process that we would try to understand the process as it was developing. Even during British rule, when inheritance was the concern of central authority, when written rules of inheritance existed for every agricultural tribe, and when every deviation from the rules had to be noted on the proprietors' genealogy, it is not possible to tell from the bare record what principles might have governed a particular unequal distribution. It might be suspected that the management of a holding passed gradually from a father to his sons, rather than in a single act of succession. But firstly a synchronic study — moreover a synchronic study of legal records — is not the ideal springboard for such analysis. Kessinger's diachronic study of a village in the neighbouring district of Jullundur showed very clearly that families would adopt different strategies of management, which might take

many years to accomplish, depending on the number of surviving sons and the extent of their resources apart from the land itself.<sup>37</sup> Secondly, there were in point of recorded fact almost no instances in which both a father and one or more of his sons were registered as proprietors in the same village at the 1853 Settlement. This is circular evidence with a vengeance: rights to land were to be based on records, therefore records should be based on rights. Apportionment by capabilities can only belong to a space-time of non-records.

I have classified unequal partitions between brothers under the rubric of apportionment by capabilities because of the association with the principle on which initial allotments were made. But the exact reasons for an unequal partition before 1853 were seldom recorded. For instance in the case of L-59, cited in the previous section, no reason was given for (28.)'s share having ended up twice that of his younger brother (27.). A reason may be surmised: (28.) was the headman of the *thola*. In a similar instance in another village, L-67, where a younger brother's four sons (23.) shared one plough while his elder brother's two sons (24.) shared  $\frac{3}{4}$ , an explanation was given on the 1882 genealogy (by then two generations after the event), that shares in the *thola* were "customary" (*rasmī*) since the younger brother had been the headman. But it is the very blandness of this kind of explanation that calls for some reappraisal of the frequency of unequal partitions before British rule. It was noted in Chapter 4 that "*rasmī*" was a catch-all for any deviation from "*jaddī*" (meaning "ancestral" and signifying that rules of inheritance had not been interrupted).<sup>38</sup> This is doubly insulting to people who had chosen a particular strategy of management, since *rasmī* was a translation from the English and implied that there were no native terms of explanation. We may not thus be able to assign reasons for unequal partitions. But we should at least put the matter on the agenda and bracket it with the practice of allotment.

<sup>37</sup> Kessinger (1974).

<sup>38</sup> Page 160, footnote 43.

Too little is known about social organization in villages of the Panjab before British rule. If it is true that land was allotted to small groups of shareholders rather than to shareholders individually, as was suggested by the field map of L-59, then some village forum is implied in which the relative capabilities of shareholders could be decided, whether in the coparcenary of the village as a whole or in subsidiary coparcenaries which contained only one or two shareholders. As I said at the beginning of Chapter 7 the issue of autonomy is never far away.

In one aspect however the choice of Ludhiana is fortunate. At the first Settlements under British rule of districts elsewhere in the Panjab, Settlement Officers encouraged proprietors to adjust the amount of land in their possession to the size of their ancestral share, which was defined on a genealogy.<sup>39</sup> But at the 1853 Settlement of Ludhiana, although there was an obvious attempt to limit the registration of cosharers to members of the same family, there was no interference with the actual share of a holding, which could be recorded in ploughs and was not referred to a family tree. In Ludhiana the genealogies came later.

Table 8.4 shows the number of equal and unequal partitions between brothers over two generations before 1853. The Table requires a number of explanatory remarks.

(1) By a partitioned brother-set I mean a set of brothers, or a set of brothers' descendants, amongst whom there had been at least one partition into separate holdings.<sup>40</sup> From the 20-village sample of proprietary families, all such brother-sets have been tabulated in which the partition occurred not more than two generations before 1853. Not all genealogies extended that far back. Moreover, no distinction is made in the Table between partitions which might have been present at the initial allotment and partitions which occurred afterwards. As the example from L-59 showed in the previous section, it is not always possible

<sup>39</sup> See footnote 44 on page 298.

<sup>40</sup> A brother's widow is treated as his descendant for the purpose of the Table.



Table 8.4a Partitioned brother-sets, up to two generations before 1853

v i l l a g e	at least one brother still alive in 1853				at least one son, among the brothers' sons, still alive in 1853				at least one son, among brothers' sons' sons, still alive in 1853				total cases considered		
	all other brothers alive in 1853		at least one other bro been succeeded		all other bros' sons alive in 1853		at least one other bros' son been succeeded		all other bros' sons' sons alive in 1853		at least one other bros' sons' son been succ'd				
	equal	uneq	equal	uneq	equal	uneq	equal	uneq	equal	uneq	equal	uneq	equal	uneq	Total
55															-
56		1												1	1
59	1	3	5	4		1	2	7					8	15	23
60	2	3	1	10	2	2	3	5					8	20	28
65						1	1						1	1	2
66		1		1		1								3	3
67	1		5			2		1				1	6	4	10
68	3	1	1	1	1	3	2	1		1		1	7	8	15
69															-
70	1				1		1		1				4		4
71			1	2		1	1						2	3	5
180															-
181	1	1		2			2						1	5	6
182	1				1	1	2			1			4	3	7
183			3	5		2	7		1			1	4	18	22
184		2		3	3	1	1					1	4	7	11
185	1			1									1	1	2
186			3		1	1	4				1		9	1	10
187							1	2					1	2	3
188			3	1									3	1	4
Tot	11	12	22	30	9	16	18	25	2	2	1	8	63	93	156

Table 8.4b Unpartitioned brother-sets, up to two generations before 1853

Tot	199	67	13	5	0	0	284	284
on own	121	59	10	5				195
joint w agnates	61	6	2					69
joint w others	17	2	1					20

Note: 1. Details concern proprietors only, not tenants. Proprietors without brothers have not been considered. Columns in Table 8.4a are mutually exclusive.  
 2. The number of brothers in a set ranged from 2 to 7. Partitions may be described as full, if every brother/brother's successors had a separate holding, and as partial, if some brothers/brother's successors had remained joint but at least one of the set was separate. In partially partitioned sets the joint brothers were likely to share the holding equally. In fully partitioned sets holdings may or may not have all been equal. The number of fully partitioned sets in the first four columns of Table 8.4a is 6, 6, 11 and 15.

to tell even from a field map whether holdings had already been separate when the land was allotted, or had become separate subsequently. This is true even of sets of brothers all alive in 1853.

(2) The number of unpartitioned brother-sets is tabulated for comparison underneath the main part of the Table. A distinction is made between brother-sets which occupied a single holding and brother-sets which shared a holding with others, who were usually close agnates. Many of the latter cases involved a father's brothers who formed a complete, unpartitioned brother-set at the upper generation; the cases have therefore been counted in the Table more than once. For instance, in L-186, (34.) involved an unpartitioned brother-set at three different levels. Most of these cases (29 out of 44) were of two brothers sharing a holding with either their father's only surviving brother (14 cases) or his two surviving brothers (15 cases).

(3) With few exceptions unpartitioned brother-sets involved equal shares between the brothers.<sup>41</sup> These cases have not been included with those of partitioned brother-sets because they relate to partitions which were to occur after 1853.

(4) It might be objected that a partition would occur between brothers sooner if it were unequal than if it were equal, and that the proportion of unequal to equal cases in the Table is therefore skewed. To some extent this is valid. But the skew exists also in the nature of the partition process itself, and the only way round it has been to include more generations prior to 1853. No hard and fast rules decided the timing of a partition, except that sooner or later every brother-set in which descendants survived did partition. There were no cases, in the sample, where a brother-set had remained unpartitioned for more than two generations before 1853. Brothers who had separate holdings in 1853 were at a more advanced stage in the process of partition

<sup>41</sup> An exception was L-55 (10.) which was shared by a man and his father's brother in the ratio 2 to 1. The father's brother later gave all his rights to his sister's sons and a third brother's daughter's sons.

than brothers who shared a holding. The low proportion of partitioned to unpartitioned brother-sets in the generation alive in 1853 (23 to 199, and 52 to 67) has to be contrasted with the naturally higher proportion amongst cases spanning one or two generations before 1853 (e.g. 25 to 13, and 43 to 5).

(5) There were two cases in the sample in which partitioned brother-sets had equal shares in title but unequal shares in terms of the land actually possessed. In L-186 (.50) was an occupancy tenancy of  $1\frac{1}{2}$  ploughs held by the proprietor's FFFBSS and his cosharers, (34.). Similarly in L-59 two brothers (21.) held  $\frac{1}{4}$  plough as occupancy tenants under their father's brother's young sons (20.), resulting in the effective shares of the two brothers' children being  $1\frac{1}{4}$  ploughs and  $\frac{3}{4}$  instead of 1 and 1 ploughs respectively. Both cases have been tabulated as equal partitions. They do illustrate how an equal partition could turn into an unequal partition over time. With less particular registration there were perhaps other cases in the sample where unequal partitions had occurred in a similar way. Although sales of land were not a common occurrence in the locality before British rule the number of people who were designated *mafrūr* (absent and not retaining responsibility for cultivation or revenue) in the 1853 records suggests another mechanism by which equal shares might become unequal. Generally however the process of becoming unequal was not documented on the genealogies.

Since we are bound to the end results of processes which had taken a generation or more to develop, it only remains to point out what those end results were. Firstly the proportion of brother-sets which remained joint until long after one brother had been succeeded was very high. Yet in the previous section it was considered unlikely that any allotment in the sample had been in existence for much more than 40-50 years. Secondly, partitions were as often unequal as equal. It is these two points together which suggest that the initial allotment of land to shareholding units and the subsequent partition of land inside those shareholding units belonged to the same realm of economic

and political organization, rather than to different realms. Inheritance is only a gloss on long-term strategies of management.

### 8.5 Father-son succession: the family coparcenary

The final point of reference in the idiom of ploughs concerns father-son succession. This issue combines three elements: the composition of shareholding units in a village as a whole; the number of households to a shareholding unit; and the nature of the family coparcenary. Only proprietors are considered, since the data on non-proprietors is more limited. By capturing a particular moment in the cycle of a proprietary family's development, when a father was still in nominal charge of a certain share of cultivation in the village but when one or more of his sons had set up households of their own, we are able to consider one aspect of jointness without becoming embroiled in all the forms a joint family took at the time and place studied. In terms of a model of family development, the stage before father and son had separate households was when the father alone had a household, although he might or might not have his own separate land holding. The stage afterwards, by contrast, would be when the father had died, his land holding (or his share in a land holding) had been registered in the names of his sons (sometimes son's sons) and his household too had been taken over by one of his sons.<sup>42</sup> Because the household

<sup>42</sup> In Table 8.4a a brother-set of type B, with at least one brother of the set already having been succeeded, did not necessarily arise from one of type A but could have been like that at the time of the father's death: e.g. L-186:(34.) or L-66:(3.). In L-187 two young brothers, who shared a holding (27.) with their father's two brothers, were identified in the 1853 registers as "*nabīra*" (son's son) of someone, a clear indication that their father had predeceased their father's father.

The presence of a widowed mother in the household of a son is only occasionally visible in the census records because of the stereotype way the composition of households was recorded: e.g. L-71:(1.)<sup>a</sup> was a minor with a household of composition (0-1-1-1) in his own name. Sometimes the presence of a widowed mother can be deduced from subsequent trans-



census was conducted at an earlier stage of the 1853 Settlement operations than final land registration, there is also an intermediate stage visible in the 1853 records, when a household was still in the name of the father but, the father having meanwhile died, the land was in the name of the sons. All these stages are visible in the same 1853 records: the records therefore reveal cross-sections of the same type of family (that of proprietor) at different stages of development. Not all families followed exactly the same course of development — this would depend on how many sons survived, on the father's age at death and on other factors, such as the age of marriage, on which the records are silent. There are also obvious inaccuracies in the enumeration of certain villages.<sup>43</sup> But the sample being sufficiently large and the regularities sufficiently clear, some

actions: for instance, L-181:(2.)<sup>b,c,d</sup> were three brothers (two of whom were minors) who succeeded their father shortly before 1853, the father having been registered at the time of the census as the householder, whose household was of composition (2-1-2-0). By 1882 all three brothers had died issueless and their holding, now partitioned as [16.], was in the name of their mother. Generally speaking, the most interesting cases of inheritance between 1853 and 1882 concerned the reversion of an issueless man's rights and the strategies employed by the man's close agnates to prevent his widow from making her own arrangements with his share. But in many cases the result of a long-term strategy of management, including strategies of partition, only becomes visible over a longer time span than thirty years, in other words after 1882. Thus, to continue the example from L-181, (2.)<sup>e</sup> was held in 1853 by the widow of (2.)<sup>a</sup>s and (2.)<sup>b,c,d</sup>s FB. (See genealogy on page 169 above.) In 1882, this widow still held the same share, as [17.], although by then (2.) had been partitioned between the three parties, [12.], [16.] and [17.], leaving the occupancy tenancies of (2.), (.4) and (.5), in a joint holding [18.]. But this widow [17.] had doubly pledged her entire holding, first (*ār-rahān*) in 1880 to a Baniya of Ludhiana for Rs.99 (2½ times her annual revenue payments), at 2½% interest, and secondly (*rahān-girvī*) in 1882 to (.4)<sup>a</sup>, who managed the holding (including its cultivation and presumably payments to the Baniya) in exchange for food, clothing and an allowance to the widow of Rs.4 per month. The latter arrangement suggests a closer relationship than that of tenant. But the sequel would only become clear from the subsequent records.

<sup>43</sup> See Section 2.3, page 83.

general conclusions may be drawn. A diachronic model of the domestic developmental cycle may thus be constructed from the synchronic picture contained in the 1853 records. For *parganas* Ludhiana and Sahnewal we also have maps of the village sites, showing the location of every household enumerated.

Firstly, and in order to scotch any further comparison with superficially similar systems of land tenure in other parts of the world, it needs to be said what the unit of shareholding was not. The unit of shareholding was not the individual household, neither at the initial stages of allotment nor subsequently. When a new household was formed amongst cultivating families in a village, it did not automatically become entitled to a new measure of cultivation, a measure of ploughs, a share in the village community. There was no occasion in the farming calendar when all cultivators gathered, new and old, to be allotted their quota of cultivation for the coming season. Neither the village community as a whole nor its subdivisions had prior right to dispose of land over the heads of individual shareholding units. All our analysis shows that once a shareholding group had been allocated a particular measure of ploughs, the holding associated with that measure remained in its sole charge, the measure of its representation on the village council and the measure of its liability to public demands. Nor did a son automatically take his share of the family holding as soon as he attained maturity, whether the share was expressed in ploughs or in some other way. Sons might work on the family farm, might take up land on their own account under agreements with others, might look for service elsewhere, might emigrate. But until their father died they were not shareholders in their own right, liable, in the eyes of the community, to the benefits and responsibilities which came with the share. Indeed, brothers tended to remain joint, as a shareholding unit, until long after their father had died, their own households been established and it had become clear how many sons there would be in the coming generation. Shareholding units which seemed likely to remain short of hands could employ



different long-term strategies, such as the adoption of a father's brother's son, or the bringing up of a sister's son to whom land could later be gifted, or the incorporation of another family as partners of the shareholding unit, more or less permanently though always in some sense subordinate. But in all cases, short of complete failure, decisions of management rested with the shareholding unit rather than with the larger shareholding groups of village or *paṭṭī*.

Concerning only proprietors in the twenty-village core sample the average number of households to a proprietary holding in 1853 was 1.6. Since the average number of men in a household was also 1.6, the average number of men to a proprietary holding was 2.5. A similar calculation gives the average number of women to a proprietary holding as 2.0.<sup>44</sup> These are the bare figures, around which the cases of fathers and sons will now put some shading.

The exclusion of a son from an acknowledged share in his father's holding, while the father was still alive, was not simply a product of the form of registration adopted by the British. It is true that there were cases where initial registration in the name of a son was corrected in the final 1853 registers by substituting the name of the father;<sup>45</sup> and that Gokul Kumar sometimes noted that the person in whose name a holding was registered was infirm and the person's son conducted the business.<sup>46</sup> In one case the elder son of a registered proprietor was even in 1853 the official

<sup>44</sup> The total number of households in the sample that could be identified with proprietors was 744, and the total number of separate proprietary units was 490 (excluding 6 common to L-184 and 185). But not all proprietary units could be identified with a household. The average number of households to a proprietary holding is calculated either as  $(744 + 35)/490$  or as  $(744 - 20)/(490 - 28)$ , depending on how the missing identities are treated. The total composition of the 744 households was 1176 men, 956 women, 696 boys and 457 girls, giving the average size of a household as 4.4 persons.

<sup>45</sup> e.g. L-60:(77.), L-75:(16), L-182:(7.): in L-75 the initial registration was in the names of father and son jointly (the only such case) but in other villages it was in the names of sons alone. On the other hand L-71:(13.) remained registered in the name of four brothers since their father, though alive, was blind (again, the only such case).

<sup>46</sup> e.g. L-183:(38.).

headman of the *paṭṭī*.<sup>47</sup> But these were cases of effective control being in the hands of one person and jural responsibility in the name of that person's father, not cases of divided control or divided responsibility. It was accepted, for instance, that a son might attest a *khewat* or *wājib-ul-'arḡ* for his father. There were also one or two cases where sons had taken on a holding of their own, separate from that of their father.<sup>48</sup> But in the only such case, in L-71, where father and son were both shareholders in the same *paṭṭī*, the son having taken on an occupancy tenancy abandoned by another, unrelated person, and having been given proprietary rights over it, this son was later excluded from a share of his father's holding.<sup>49</sup> In the entire sample there was only one case, in L-158, where a proprietor definitely seems to have partitioned his holding with one of his sons during his lifetime.<sup>50</sup> I do not believe that there were other

<sup>47</sup> L-178: the son of (50.)<sup>b</sup> in *paṭṭī* Sangowal.

<sup>48</sup> e.g. L-60:(77.)'s son held three tenancies in the village; and in L-186 the four sons of one of the *mu'āfidārs*, (29.), held occupancy tenancies (.2) and (.37). In the latter case the sons inherited (29.) equally, as [93.] to [96.], and were still holding (.37) in 1882, as [.131], [.132], [.133] and [.135]; but only one son continued to hold  $\frac{1}{4}$  of (.2), as [.18], the other three having apparently abandoned their shares and  $\frac{3}{4}$  having therefore reverted to the proprietors.

<sup>49</sup> L-71: the son (21.) was registered as a proprietor on  $\frac{1}{2}$  a plough, which at the time of Gokul Kumar's registration had been held within the *paṭṭī shāmilāt* by someone who later died. The father shared a 2 plough holding (27.) with his BSS, and by 1882 the father's one plough had been divided between (21.)'s two brothers ( $\frac{1}{4}$  plough each, in [8.] and [10.]) and (21.)'s half brother ( $\frac{1}{2}$  plough, in [11.]). (21.)'s own  $\frac{1}{2}$  plough had passed to his only son, in [9.].

<sup>50</sup> L-158: in 1842 (7.) held (20=6) *bīghās* (registered then as an occupancy tenant rather than a proprietor) on his own. In 1853 approximately one third of this was held by the oldest of his three sons (8.) — I did not note the exact area but at least two fields appear from the map to have been divided between (7.) and (8.). By 1882, (8.)'s holding had passed to his only son [13.], area (9=16) *bīghās*, while (7.)'s (that is, two thirds of the 1842 holding) had passed to his third son and second son's son jointly in [14.], area (15=6) *bīghās*.

There was one similar case amongst occupancy tenants, in L-79. (.10) was one of four sons of (.18), and the two holdings had plots which lay next



cases of partition between father and son in 1853 that were artificially hidden by the form of registration; nor even that there were cases of *de facto* partition obscured by the almost complete lack of cultivation detail in the 1853 registers. Father-son jointness is only an incipient form of brother-brother jointness. Where a father had died inheritance must nominally have occurred; and there could be no objection to brothers being registered separately if that was what they wanted. Yet the great majority of brothers were registered in 1853 on undivided holdings.

Table 8.5 shows the relative composition of fathers' and sons' households among proprietors of the 20-village core sample in 1853. There were 49 cases, involving 110 households, in which both a father and one or more of his sons had separate households at the time of the Census in 1850/53. (In 15 of these cases the father died between the Census and the final land registration.) The households of sons were not just separate rooms attached to those of the father but could be located in a different compound, a different alley or even a different quarter of the village.<sup>51</sup> The remarks of enumerators regarding the separation of

to each other in three separate blocks, indicating that they had once been joint. In 1848 (.10)'s area was (4=19) *bīghās* and (.18)'s was (13=12). In 1882 the sons of (.10)'s own three sons held [.12], while the widow of (.18)'s second son's son held [.11]. ((.18)'s third son had died issueless by 1882, and his fourth son was said never to have taken any share of the land.) But it looks as if some of (.18)'s holding passed to (.10)'s heirs, since the areas of [.11] and [.12] in 1882 were (5=16) and (11=18) *bīghās* respectively, the reverse of the situation in 1853. That is to say, the partition of land by (.10) before his father (.18)'s death did not bar (.10)'s heirs from taking on a portion of (.18)'s holding later, unlike the cases in both L-71 and L-158. The two units also purchased land separately in L-164 when the cantonment was broken up — see [32.]-[34.] of the 1882 register of L-164, and (43.) and (112.) of the 1860 register.

<sup>51</sup> The map of the village site of L-59 (not reproduced here) makes this clear. There were 11 cases of fathers and sons having separate households in the village, 10 of proprietors and one of tenants. 16 new households were involved. A son's household was located in the same compound as his father 5 times, in the same alley 6 times, and in a newly settled part of the village 5 times.

Table 8.5 Relative composition of fathers' and sons' households, among proprietors of 20-village core sample, 1853

Total no. of sons (only one of whom has a household)	Sons' households					Fathers' households									
	No. of hhdls	composition (M-W-B-G)					No. of hhdls	composition (Men-Women-Boys-Girls)							
		1	1	1	1	2		1	1	1	2	2	3	4	4
		0	1	0	1	1		1	0	1	1	0	1	1	1
1 son	2	1					2	1					1		
2 sons + 1	18	6	4	5	1	1	16	1	2	1	7		5		
3 sons + 1	10	2	3	2	1	2	8				1	1	3	2	1
4 sons + 1	13	5	2	3	4	3	8		1		1		2	1	2
5 sons + 2	5	2	1		1	1	4				1	1	1	1	
8 sons + 1	1	1					1								1
Total (subtot)	49	9	-	9	12	7	49	1	1	4	1	1	9	5	1
+ extra	12	5	1	2	2	1							15	19	5

Notes: 1. Among proprietors of the core sample all cases are tabulated where fathers and sons had separate households at the time of the Census in 1850-53. The 49 cases involved 110 out of 744 proprietors' households.

2. In column one, the total number of sons of a proprietor has been taken from the 1882 genealogies. Usually only one son had a separate household. Where more than one son had his own household, this is shown as "+ 1" or "+ 2", and the composition of the father's household is shown in the same row. Thus there were 13 cases where at least one of four sons had a household separate from his father, and in 5 of these cases another son also had a separate household.

3. Household composition was in terms only of men, women, boys and girls. Relationships to the head of a household were not recorded.

4. (1-1-x-y) includes any composition where x or y ≥ 2.

5. There were three cases where fathers had sons by two wives: L-55:(6.), mentioned in the text, with a total of 8 sons; L-68:(31.), where one wife had two sons, the elder having his own household of (1-1-1-0), and the other wife had one — here the father's household of (2-2-2-0) seems to have contained one son from each wife —; and L-71:(27.), where the second wife's only son had his own household of (1-1-1-0) and where the second of three sons by the first wife had his own land holding (21.) but not, apparently, his own household — he may still have been living with his father (4-4-0-0) at the time of the census, or conceivably with the occupancy tenant whose holding he took on and whose household was (3-1-0-1).

6. It was not always the oldest son to have his own household. If the order of sons shown on the 1882 genealogies is taken to be correct — it is not always internally consistent — then it was the oldest son who had his own household in 32 of the 49 cases, as follows:

No. of sons	No. of cases	Which son had his own household			
		1st	2nd	3rd	4th
2	18	14	4		
3	10	8	2		
4	13	7	3	2	1
5	5	2	2	1	
8	1	1			
Total	47	32	11	3	1



belongings between the households of father and son, noted in Chapter 5, may be recalled here. In L-101 the enumerator noted that a certain person "cultivates jointly with his father; oxen etc. are all joint;" and in a similar remark in L-178, "this person cultivates with his father; there has been no division of interest."<sup>52</sup> Both these people (the sons) were classified as agriculturalists although they had no ploughs or plough-oxen of their own. The enumerators' remarks were intended to explain this contradiction. By implication, and if the enumerators were consistent, a son with a separate household who possessed plough-oxen of his own would have separated his own effects from those of his father, at least in the two villages concerned.<sup>53</sup> In any case, from the relative composition of the households, the separation of households between father and son can be shown to have occurred at a particular stage in a family's development which did not have any necessary correlation with the partition of land. For instance, the first two of four sons of (35.) in L-59 had separate households at the time of the census in 1850 (admittedly in the same compound as their father's household) but the holding was still undivided in 1882, as [5.], although the first son had by then been succeeded by the younger two of his own three sons (the oldest having been adopted by (35.)'s third son).<sup>54</sup> Certainly, land was not usually partitioned before new households had been formed, but there was no necessary connection between the two events. The unit of

<sup>52</sup> L-101: "shāmīlāt pidar apne men khetī kartā hai; nar-gāwān waghaira sab shāmīl haii." L-178: "yih shakhs apne bāp ke sāth khetī kartā hai; kārobār taqsim nahīn huī." See footnote 20, page 209.

<sup>53</sup> In L-178 there were 8 households of sons of proprietors separate from those of their fathers. In 2 cases (including that of the headman of the *paṭṭī* referred to above) the son's occupation was 'service' rather than agriculture. There was one landholding (6.) which was shared by two brothers, each of whom had his own household and each of whom had two sons with separate households of their own. Six was the largest number of households to a landholding in the entire sample.

<sup>54</sup> In another case in L-59, (7.)/[56.], where the family land holding remained joint until past 1910, the son's household was in a quite different compound from that of his father.

shareholding amongst farmers was in all senses larger than the unit of co-residence.

The relative composition of the households of sons and the households of fathers indicates the stage at which a son might set up on his own. The 49 cases of the proprietary sample include 11 where more than one son had a separate household (two sons in 10 instances, three sons in one instance). If in these 11 cases only the largest of the sons' households is considered then there were just 3 cases out of 49 where the son's household was not of composition (1-1-\*.\*) (one man, one woman, variable number of children).<sup>55</sup> By contrast the father's household usually contained at least two men. There were just 7 cases (out of 49) where only one man was enumerated in the father's household: in 3 of these cases the sons all had their own households and the father was on his own; in the other 4 cases the sons who were left with the father were minors. That is to say, a son might be likely to set up his own household (a) after he had married and one or two of his children had survived infancy (although there was some variation in this, according to the number of brothers he had), and (b) when one or more of the sons who remained in the father's household had also grown up. If the number of women in the father's household is also considered then the most we can say is (c), that it was more likely than not (26 cases out of 49, where the father's household contained two women or more) that one of the sons who remained living with the father was himself married.

To put these father-son households in context, a final word should be said concerning how they relate to the general composition of households in the sample. Taking

<sup>55</sup> The three aberrant households were as follows: L-55:(6.),<sup>1</sup> whose two wives each had four sons, whose 1st wife's 1st and 2nd sons had households of composition (4-2-1-0) and (1-0-1-0) respectively, and whose own household was of (4-4-1-0); L-71:(13.),<sup>2</sup> mentioned in footnote 45 above, whose father was blind in a (3-2-1-0) household, whose own household was (2-1-3-2), and whose younger brother had a (1-1-1-0) household — here it is not clear who the extra males are — ; and L-187:(17.), father of two sons, whose elder son had (2-2-2-0) and who himself had (2-1-0-1).



the number of women in a household as a rough measure of its 'complexity' the most complex household of Table 8.5 is (4-4-\*.\*)). There were not many more complex households than this in the core sample, even where sons did not live separately. The household with the largest number of men and women, amongst proprietors in the sample, was (5-4-1-1) belonging to L-66:(5.); and there was only one other (4-4-\*.\*) household in the sample, which belonged to the F/FF of cosharers in L-186:(34.).<sup>56</sup> In the larger sample of villages around Ludhiana there were only two households which contained more than four women in 1853: (4-5-3-1), belonging to the father of four cosharers in L-177:[56.], and (3-5-3-1), belonging to one of the two brothers (and one unmarried sister, probably living in the same household) who owned the landlord *pattī* of L-158, and whose four sons shared the holding [1.] in 1882. Finally there were no single households as complex in composition as some of the combined households of a father and his sons. The largest combined composition of father-son households, i.e. from among the cases tabulated in Table 8.5, was (9-6-3-2) which belonged to L-55:(6.) and two of his eight sons; and there were four other father-son combinations more complex than any single household in the sample.<sup>57</sup> The impression is thus confirmed that there were upper limits of single household complexity. A son would set up his own household at a particular stage of his family's growth. The partition of a shareholding unit, on the other hand, was an altogether weightier matter.

\* \* \* \* \*

The five points of reference with which I have concluded my analysis of the idiom of ploughs do not fit snugly into a single model of the collective management of land in the years immediately before British rule in the Panjab. Nevertheless there are some general features which should now be summarized. Comparing the household compositions of proprietors synchronically over a number of villages has given an idea of the developmental cycle of the agnatic core of a shareholding group, the 'family'. We do not know much about the working of the village council or the extent of its authority over the affairs of individual families within the village. But the conclusion of the last section, Section 8.5, is that outside the coparcenary of the family, the smallest Chinese Box in the shareholding system, a son could rarely be known as a shareholder in any larger body while he was still under the authority of his father, the head of the family coparcenary and its representative in *thola*, *pattī* or village-as-a-whole. The same principle applied to other, non-family or non-agnatic, subsidiary shareholding bodies, which were analysed in previous chapters. On the other hand, the conclusion of Section 8.4 is that even within the agnatic core of the family, between brothers, the model of shareholding governed by descent had not in fact always applied in the locality under the historical conditions of the period, except in estates which had not been subject to exactions of revenue for several generations. The few 'landlord' estates in the locality, such as L-102 and one of the subdivisions of L-158, also appear in 1853 to have been normal shareholding communities in which the landlords, the first amongst equals, had only recently been given the opportunity, by the terms of the new land revenue administration, of becoming something more; and shares within these landlord families had not yet had time to devolve over more than a generation according to regular rules of inheritance. In the locality and period under study it had been the idiom of ploughs which prevailed before British rule; and in this idiom, shares were not abstract quantities drawn out of genealogies but were made up from the measures by which the land was worked. This was the

<sup>56</sup> For the genealogies of L-66 and of L-186 see pages 164 and 346 respectively. L-66:(5.) was held jointly in 1882, as [8.], by his first son, his second son's widow, his third son's son and his fourth son's son.

<sup>57</sup> The four cases are as follows: L-66:(6.) and two sons, with (6-5-3-2); L-59:(34.) and three sons, with (5-5-2-2); L-71:(27.)<sup>b</sup> and his second wife's son, with (5-5-1-0); and two cosharers in L-71:(13.), together with their father, with (6-4-5-2).

point of Sections 8.1 and 8.2. In the idiom of ploughs a share related a man to what he was capable of producing, not to some forgotten ancestor. Shareholding was a way of getting things done: primarily the management of land, but by extension also other activities of collective concern. For a few villages we were able to show that shares had been adjusted partially and by minor amounts in the decade before the 1853 Settlement. The complete reallocation of land, on the other hand, when holdings were all "jumbled up" (*makhlūt*), shares reallocated and the land divided afresh, was a rare event. Nevertheless such occasions are mentioned in the village histories, and analysis of the field patterns existing in 1853 suggests that before British rule a given allotment did not last more than a generation or two (25-50 years). Section 8.3 gave this conclusion firmer weight: shareholding in the idiom of ploughs could be reproduced over time; it was neither essentially intrusive into the more 'natural' idiom of descent nor was it simply an initial solution, never to be repeated, of a band of settlers when first they colonized a tract of land. On the contrary, we would say, the principle of equality through descent had to operate within the terms of shareholding according to capabilities, in continuous tension with the needs on the ground. If by *paṭṭidārī* we were to mean the unrestricted operation of patrilineal rules of inheritance, often within a number of different lineages in the same village, and by *bhātachārā* we were to mean a system of allotment of land on alternative principles which took account of both the character of the land and the capabilities of shareholders, then we might even follow Fox, much closer to the ground and with the State represented by the size of the revenue demand rather than the pull of the court, and say that the two principles were always in tension and that the move from one tenure to another could be cyclical.<sup>58</sup> This much is conjecture. What is certain is that, under British rule, it was descent that was the favoured principle because it fitted with the rule of property, and it was the shareholding of being

somebody, rather than of doing something, that was favoured because it fitted with the new rule-by-status.

Classification was the link between what I have called rule-by-records and rule-by-reports. It was the common element to the administration of a village, the administration of a district and the imperial administration of India. When Holt Mackenzie insisted that officials leave their courtrooms to discover the conditions of village tenure for themselves he was writing of an ideal. Districts were too large, and the need for a district to be known at the highest administrative level too great, for local idioms or local institutions to be given any real autonomy. Customary law was still law. The *wājib-ul-'arṣ* had the potential to become a constitution for each village separately, but not if it was written in terms of uniform, legal categories, and not if 'India' was to be constructed in terms of caste rather than of village republics. "Plough-holders" (*halwāle*) were concerned with the business of managing agriculture not with a synthetic understanding of India.

Settlements did more than determine revenue. Revenue was tied to property; property had to have boundaries; and those boundaries had to be a matter of record. In the new idiom of records, the reduction of field patterns to maps transferred the venue where disputed information could be decided from open fields to closed courtrooms. For the ruled, this was a change of idiom which no amount of searching for continuity between British rule and pre-British rule can disguise. But hard boundaries between categories, and rigid regulations of procedure, carried implications for the ruler, and by association those who, in the writing of history, have relied on rulers' reports too. Field patterns could be reconstructed on the maps only if the whole of a record was examined, which by the very procedures of reference was never done. It has been a pleasure of my research to be able to exploit this epistemological advantage.

<sup>58</sup> Fox (1971); compare also Cohn (1969) and Parry (1979:317).



## Chapter 9

### Village government: land to cultivate, territory to rule

It is a point of great nicety and difficulty to legislate for people so widely separated from us, and who have lived under so different a dominion.... I shall, therefore, only suggest —

- 1st — That the village societies be maintained;
- 2nd — That they be left to make their own *Batch*, or adjustment of the public assessment upon themselves;
- 3rd — That they be left to decide their own disputes;
- 4th — That the office of *moquddum* be maintained;
- 5th — That an allowance be continued to the *moquddums*;
- 6th — That the *moquddums* be continued as the channels of communication between the Revenue officers and the villagers;
- 7th — That village assemblies, or *Punchayets*, be maintained;
- 8th — That *zillahdars* be continued over a certain number of villages;
- 9th — That our Revenue officers, as *Tahsildars*, *Mootsuddies*, &c., interfere, as little as possible, with the internal arrangements of the villages; and
- 10th — That the same principles of administration be continued, namely, good sense, good intention, and integrity, on the part of the European officers.

(T. Fortescue, "Report on the revenue system of the Delhi territory, 1820" in *Punjab* 1911:129-130.)

I found that of all the disturbing causes to the even management of the village affairs, none was so prominent as this mode of administering this account [of village expenses].... Hence, any plan to diminish its amount, and consequent importance, would be so far an improvement.

(H. Davidson, *Ludhiana Settlement Report*, 1859:67.)

One last experiment: to re-read the 1853 Ludhiana Settlement Report on the basis of our reading of the 1853 Settlement records of selected villages within the district. As I mentioned in the introduction, I originally started working on village revenue records hoping to construct a picture of a neighbourhood which could then be compared with what was written about the district in the corresponding Settlement Report, to test how knowledge about India was constructed during the period of British rule. While the village records provided a local, vernacular interface between ruler and ruled, a more general interface for the English-reading public consisted of the various series of district and provincial reports which began to be published from the 1840s. Village records and district reports, utilizing a common set of social and legal categories, in some sense complemented each other within the pyramidal structure of administration and law. On the one hand village records moulded and preserved society along certain channels; on the other hand the published reports invited participation in the process of rule, invited people to take on the categories and assumptions of official knowledge.

For a variety of reasons such a comparison could not be made, at least not in the mechanical way I had conceived, where the categories and relations of the village records were to be taken for granted. Instead I went inwards, using the Settlement records as a window to observe the system of land administration as it was being set up at the start of British rule: the award of proprietary rights to land, the measures that were taken to preserve corporate powers and privileges within a village, the selection of personnel for village appointments and the general conduct of Settlement operations. The names of land holders had to be considered as well as the categories and relations with which they were classified in the records. Through close attention to detail, mapping land holdings and comparing synchronically the registers of one village with those of another, it was possible to reconstruct the local idiom of tenure before it was fitted into the new administrative mould. It became possible to view changes to the system of shareholding, that were

initiated at the first Settlements, from the inside. This procedure of analysis I would like to make my first conclusion.

The perspective is in this way reversed from which an event (local or global), a policy or a change of regime is usually seen. Instead of viewing administrative measures, say, from on top in terms of the categories and relations used in government reports, a local vantage point has to be found — and if necessary partly imagined — from which the same measures can be viewed in terms of the relations being effected or in terms that were not noticed or selected for report. The semantic context has to be reconstructed in which native categories had been used before becoming the subject of administrative treatment. If this means reversing the order with which research is normally carried out, starting with the local source before moving to national archives or the India Office Library in London, so be it. That step may anyway be necessary simply to apprehend where such a local vantage point might be situated, for the extent of central government archives can easily trap the unwary into forgetting the processes of selection and filter so essential to imperial rule, and thus into thinking that the local was adequately known or that local terms are not the business of the scholar to question. If 'India' was constructed in a particular image during British rule, no less was 'local' flattened and stereotyped, though paradoxically part of the image may have been local diversity. Personally I cannot read the later essays of Stokes (1978), for instance, without questioning his free use of caste categories, let alone the appropriateness of trying to build up a global picture on the basis of district reports, whose role in the economy of knowledge had ever been so. One has to descend further than that; and then turn the whole pyramid relating global to local upside down. This is the second point. Not only must events be understood from the inside or from below, but what was happening at the local level has to be seen, not as a one-off event without implications for anywhere else, but as representing something general.



It is not expected that all villages in the wider region of Ludhiana before British rule organized agricultural production collectively through shareholding, nor that the relation between productivity and productive resources should have been expressed everywhere in an idiom of ploughs. Different ecologies must have had different idioms; many systems of land tenure did not have a corporate shareholding base. On the other hand, the present study does show that superficial differences of tenure could hide a similar system at some level of organization. Within the locality studied a common system of allotting land had operated amongst cultivators in landlord villages (whose subdivisions were *zamīndārī* in the official scheme of classification), in villages where an older, more privileged class had incorporated other cultivators into shareholding groups concerned solely with the business of agriculture, and in villages where no obvious distinction of status applied between one shareholder and another. At the same time, however, there were 'villages', notably the urban estates, in which a different system of tenure had operated. And even where a common system of allotment prevailed, while many of the assumptions behind allotment, that we have called the syntax of the idiom, were common, villages could differ markedly in the pattern of holdings on the ground.

Nevertheless, I think it can be expected that in many places cultivators will have continued to express holdings in terms of the amount of labour or of seed their cultivation required while the ruling power was expressing its demands in other standards, just as in some areas there was sufficient independence from government for the dominant group in a village to adopt a larger standard area for its own assessment than for the assessment of others. I think that corporate arrangements in a village will often have been left untouched — uninvestigated, unregistered and unknown — so long as the revenue was paid; and that receipts were never the same as contracts for payments made out thirty years in advance. And I think that everywhere the business of mapping and measuring, of registering holdings as

discrete, separately negotiable parcels of land, and of fitting agrarian relations into a new mould must be considered fundamentally disruptive of an older order, which it should be our concern to elucidate. It is from the inside that these changes have to be seen. And it is these arrangements, viewed through the records and procedures of initial registration, which should be the subject of comparison across regions of the Panjab, between north India and south, or between the British and other empires. Seen from below the difference between *mauza'wārī* and *ra'āyatwārī* Settlements — global labels at the top of two distinct pyramids of administration and knowledge — might not appear so fundamental.<sup>1</sup>

Let me sketch the kind of broader comparison I have in mind. Passing reference has been made in earlier chapters to the system of land registration in parts of the Ottoman empire after the 1858 reforms.<sup>2</sup> In the district (*qazā'*) of 'Ajlun (the north-western corner of present-day Jordan) most land within a village's boundaries was registered around 1880 in the names of individuals as shares in jointly held (*mushā'*) government land (*mīrī* land). In hill villages there were often also individually held plots on *mīrī* land that contained privately owned (*mulk*) plantings of olives, vines or fruit-bearing trees, just as houses were owned privately. Registers were prepared for each type of holding, and to each category was applied a gross rate of assessment or valuation defining a holding's liability for tax. Animals are also said to have been registered and taxed, though apparently no register has survived; and in 1910 village headmen were required to prepare and maintain a civil register listing everyone in the village with their date of birth, which registers do largely survive. As far as land is concerned, however, the important registers were those of

<sup>1</sup> Cf. S. Prakash (1985:557).

<sup>2</sup> I have drawn this account from Mundy (1992a and 1992b) as well as from many conversations with her over the years. In 1992 we were able to do field-work together in four villages of north Jordan, the results of which are forthcoming. I am grateful to the British Institute of Archaeology and History at Amman for my share of our joint research grant.



shares in *mushā'* land. Although rights to all *mīrī* land were legally those of usufruct (*ḥaqq taṣarruf*), holdings could be permanently transferred, wholly or in parts, by sale, inheritance or gift, whether the holding was a plot or a share; registration was kept somewhat up to date; and the holdings were treated increasingly as personal property.

Two points of comparison are relevant to the present discussion. Firstly, this was very definitely rule-by-records. When the system of registration was running smoothly, for a decade or so before the First World War, every transfer of land had to have cross-references both to the taxation department and to the department of civil registration, while in cases of inheritance a note from the village headmen and a certificate from the *sharī* courts were also required. Yet equally certainly it was no rule-by-reports. Within the legal profession there may have been some circulation of information but for the public there seems to have been almost nothing except government almanacks and the occasional general gazetteer (*sāl-nāma*). In particular there were no compendia of social groups, no proposals to legislate for different groups according to their levels of social evolution, no embryonic sociology. And this lack of elaboration at the level of reports corresponded at the level of village records not only with minimal elaboration, which is to say without the kind of genealogies, histories or constitutions we have considered in the Panjab, but quite basically with a minimal system of personal identification. It was sufficient for a person to be identified by his own name and the name of his father, without any further classification such as family name or group affiliation. The records were strictly for local use.

The second point is the degree of intrusiveness of the government into village affairs. While registration concerned more than just land, there was no attempt to distinguish forms of tenure, no talk of upholding village institutions, no record even of internal subdivisions. There was no mapping nor any detailed measurement — in villages where holdings had been reckoned in terms of seed, the unit of volume was sometimes simply substituted by the official

unit of area, the *dunum*. Yet if the absence of Ottoman attempts at social engineering stands in contrast to the British administration in the Panjab, it has to be said that a village was left to manage its affairs in its own way. Because land was registered for the most part in shares rather than in discrete parcels of land, there was no barrier to the periodic reallocation of holdings, a custom which by all accounts had a powerful integrative function within a community. Older people still talk of the discipline of common cultivation, harvesting all the strips in a block of land together, progressing up the width of the whole block simultaneously in order that all the strips should be exposed to grazing at the same rate. Synchronic equalization of holdings was the rule in villages of the plains, every holding consisting of a strip in each part of the village. And in larger villages where there were internal subdivisions into halves, quarters or sixths (although, as I said, these were not the subject of record) and where whole blocks of land were allocated to different subdivisions, a combination of synchronic and diachronic equalization was practised, each holding consisting of a number of strips, as usual, but the major blocks of land being reallocated every fifteen to twenty years, subdivisions alternating between different sets of blocks. In the hills, on the other hand, a two-field rotational system operated and a shareholder's strip in each of the two fields could run right across the field, across ravines and rocks as well as cultivable tracts, for no land was left undivided except the village site. Here equalization was diachronic, each shareholder being reallocated a strip every one or two years. What is to be emphasized is thus the combination of strong corporate institutions, unsupervised by government, and a form of individual property in land that was created and sustained by registration in shares.

Returning to the Panjab at the start of British rule, I shall not go over my argument with respect to shareholding in detail again, referring the reader instead to the exposition of Section 1.2 in the introductory chapter. Put briefly, the award of proprietary rights to land at the first Settlement of villages in Ludhiana district was not made upwards from the



allotments, whose patterns truly reflected the practice of shareholding at the time, but downwards and outwards from the village headmen along whatever lines could be openly agreed in the cultivating community, though with a clear preference on the part of the authorities for relationships of descent. The result was that in villages where there was any great distinction of status between one set of allotment holders and another, the one claiming ancestral control of the village territory and the rest admitting to have been brought into the village at later stages to cultivate the land, only the superior set would be awarded proprietary title while the others would be made tenants of the first. The integrity of the allotments and the rationale of the system which had created them were thereby denied. The number of such cases was not large but they pin-point the nature of the transition from one form of shareholding to another and from one way of looking at land to another. Those who became proprietors (*hiṣṣadār*, shareholders in the new order) were a privileged subset of the group of allotment holders (*halwālā*). Thus although the maintenance of "coparcenary communities" was a founding principle of the new administration, the new form of shareholding was more exclusive, based on the ownership of land. Whereas previously a share had determined the size of an allotment, as part of the allocation of the village's common resources, now there was no necessary relation between commons and allotments at all, firstly because not all allotment holders were made proprietors, entitled therefore to own a share in the joint property of the commons, and secondly because even a shareholding proprietor could sell a portion of his allotments without a corresponding share in the commons. The systemic relation between allotments and commons or between common resources and common liabilities was broken. Whereas previously all allotment holders had shared in the profits and losses of agriculture, now it was only the proprietors who were liable for the government revenue and only they who would reap the immediate benefits from extending cultivation, sinking wells or other agricultural improvements. Under the old regime, by

contrast, all allotment holders had participated in the business of agriculture. No doubt the main purpose of shareholding had been to allot the cultivable land fairly so that whatever proportion of the cultivated produce the government demanded or however the revenue was assessed, the burden would fall equally on all. Every allotment had therefore been uniform in quality and its size had corresponded exactly to the shareholder's means. But any other common agricultural enterprise had been organized on the same basis of shares, whether it was sinking a well or bringing waste under cultivation. Shareholding had thus been more like belonging to an agricultural cooperative, members pooling their resources on an agreed basis, than a formal system of rights and privileges derived from inherited status. Under British rule it was the genealogy of proprietors that was taken to represent shareholding, not the pattern of allotments on the ground. It is true that, where there was any great distinction of status among cultivators in a village, not all allotment holders would have had a say in the overall control of territory or in locating new residents in the village, nor would they have been free to sell their plots. But to follow Gluckman's distinction, such privileges concerned the estate of administration; the estate of production had belonged squarely to the shareholders.<sup>3</sup> The government could not both exclude from proprietorship some allotment holders, shareholders in an estate of production, and at the same time claim to be upholding "in all its integrity" the village institution of shareholding.

A distinction of interests in the soil, even proprietary interests, was not viewed with disfavour by Davidson, the 1853 Settlement Officer of Ludhiana.<sup>4</sup> But he seems to have been more concerned with investigating distinctions at the upper end of privilege, between the body of proprietors and

<sup>3</sup> Gluckman (1965:89ff).

<sup>4</sup> "[Sikh] revenue ideas admitted of none of the shades of distinction, which proprietary rights in the soil universally called into existence" (Davidson 1859:19, 22).



more privileged members of a headman's family who, under Sikh rule, had been rewarded for services of collection by a rebate on their revenue dues, the so-called *in'āmdārs*.<sup>5</sup> About the lower end, he said it was difficult to distinguish the terms of tenure on which non-proprietary cultivators held their lands, since "the Sikh ruler took the same payment, and the same proportion of grain, from the hereditary proprietor or from the hereditary cultivator, or the mere tenant at will"; "the only one general distinctive feature apparent is, that the non-proprietary cannot sell or mortgage the lands they cultivate".<sup>6</sup> But he did not mention any difficulty in identifying who the non-proprietary cultivators were, nor did he discuss the grounds of this identification. There is no evidence in his report that Davidson was concerned to elucidate relations of production beyond the three official categories specified; for instance no mention was made of the kinds of partnerships of cultivation we discussed in Chapter 5, evidence for which exists in the records prepared under his control. As far as the system of allotment was concerned, a single remark in the report shows that he was aware of the principle of fair-sharing,<sup>7</sup> but he did not dwell on the issue by describing different kinds of field lay-outs, say, nor did he show any appreciation that the principles behind the allotment of holdings might have extended to non-proprietary cultivators. Shares were an attribute of proprietorship and were invariably discussed in the same breath as "ancestral shares", although by this Davidson seems to have meant only that they had been inherited from previous generations, not that their size had been determined in a particular way; indeed there was no mention of different methods of allocating shares, apart from holding shares in wells.<sup>8</sup> Ancestral shares in land were said to be generally reckoned in ploughs, but this was "almost completely an abstract computation",

<sup>5</sup> *Ibid.*:20, 68-9.

<sup>6</sup> *Ibid.*:20, 64-5.

<sup>7</sup> "According to their respective shares, they possess, with the bad, their proportion of the better land" (*ibid.*:62).

<sup>8</sup> *Ibid.*:62, 80.

without any suggestion of how the expression had arisen.<sup>9</sup> In short, I would say that Davidson paid closer attention to matters of procedure, concerning how to run the Settlement, what records to prepare and what administrative improvements might be made, than to the finer contours of social custom or to the differences between one village and the next. His observations were general, not to say lofty and arrogant; the categories he used to describe society, including those of caste whose relevance to assessment he defended against the prevailing view,<sup>10</sup> were to my mind gross. As far as rights to land were concerned, it is not altogether surprising that his attention was confined to the upper levels of agrarian society. At that stage of British rule in the Panjab, with 900 villages to measure, assess and settle in three years Davidson would have had to be out of the ordinary to see things otherwise.

The Settlement Officer of Ludhiana may not himself have noticed that the size of shares held in 1853 seldom conformed to regular devolution through inheritance from ancestors many generations back. But where this was noticed, as in the neighbouring district of Jullundur, it was seen as additional evidence of the heaviness of former revenue demands and as additional justification for promoting a new order.<sup>11</sup> If the interests of production

<sup>9</sup> "Hitherto under the Sikh rule and under the Summary Settlement the only guide the people possessed to the equalization of the demand amongst themselves was the amount of ancestral share possessed by each. This amount was currently reckoned in ploughs and fractions of ploughs, almost completely an abstract computation" (*ibid.*:para.51). The manuscript of Davidson's report, which is preserved in the Revenue Records Room of Ludhiana district, has the phrasing quoted, whereas the printed version (page 61) has a semi-colon after "fractions of ploughs", with the phrase "being almost completely an abstract computation" starting the next sentence, which makes little sense.

<sup>10</sup> *Ibid.*:56.

<sup>11</sup> "The shares were ancestral. Circumstances might have changed the relative proportion of the actual shares as it had originally stood. But the ancient partnership was preserved in the remembrance of the brotherhood. Its restoration was often deemed a matter of family concern and honour; a recurrence to it was deemed natural and proper, if circumstances should



appeared to have been paramount under Sikh rule, it was only proper that under a supposedly more benign rule the more general interest of collective territorial control should be acknowledged where it was claimed by a section of the cultivating community. In such a view, proprietary title as a mark of distinction was being restored by the action of Settlements to those with the rightful, natural claim, a claim based ideally on descent from founding ancestors or from those who had first joined in bringing land under cultivation. While this could not be described as an aristocratic view, since proprietorship was in general being awarded to those who were engaged in cultivation rather than to a non-cultivating landlord class, neither could it be described as unequivocally egalitarian. Where there were marked differences of status between one section of the cultivating community and another, it was unthinkable to acknowledge a more immediate corporate interest in the land, less permanent but more flexible, or to award proprietary rights to those who had been included in a shareholding corporation on the simple basis of mutual agreement about what each could bring to production. Whatever the economic method of creating property — by lowering the revenue to allow land owners enough margin of profit from cultivation for the land to grow in value — property was a mark of status, and should belong to those in the community with a matching ancestral status.

Whether an alternative system could have been instituted that recognized proprietary rights both, as it were, in an estate of administration over village territory and simultaneously in an estate of production from the land, possibly vested in different corporate groups in a village, is another matter. Elsewhere in the Panjab a form of inferior proprietorship would be recognized whose rights did extend to waste land.<sup>12</sup> Perhaps it really was the person of the

permit or opportunity offer" (Temple's *Jullundur Settlement Report*, para. 189, quoted in Tupper 1881 iii:148).

<sup>12</sup> Douie (1899:para.146).

Settlement Officer that could be decisive. Certainly the administrative means had been developed by 1853, if not fully tested, and there was no reluctance on the part of the government to intrude into village affairs. Thirty years had elapsed since the days of Fortescue and Metcalfe in Delhi, when the best advice had been to leave a village to govern itself, to "let general maxims ... direct" until such time that "experience and necessity dictate the occasion and the wisdom of greater precision" (Fortescue, in relation to the suggestions which head this chapter, *op. cit.*:129). Not only were fields now mapped and measured, names registered and rights awarded, but a form of protective legislation was encouraged for those local institutions which the government wanted to see maintained. That is to say, the means did exist, in the form of the Village Administration Paper or *wājib-ul-'arṣ*, to protect the way a village organized its affairs; and we have examined the draft of one such document which recognized corporate interests of shareholders (the *halwālā* or plough-holder, the holder of a share expressed in ploughs) independently of whether they were proprietors or tenants — although I should add that in the crucial matter of the commons the document was silent. In theory a constitutional paper could be tailored separately for each and every village. But to expect that this might have been possible in practice, overnight so to speak, with the touch of a Settlement Officer's magic wand, is fanciful. The purpose of the first Settlements was to set up a viable system of land revenue administration and to induct villages into a new rule of law, whose structure for the Panjab was still at the time in process of formation. It was inevitable that the initial mould would be uniform, and that a *wājib-ul-'arṣ* would be "an elaborate Persian document in the best office language", expressing "what the Settlement Officers thought to be proper rules for guidance";<sup>13</sup> the point was to secure the agreement of the dominant group of land holders in a village, without too much internal disturbance. Even had officials understood the nature and diversity of shareholding

<sup>13</sup> Douie (1899:para.296); Walker (1885:87).

better than I think they did, there was no guarantee that greater precision in a *wājib-ul-'arṣ* would have been administratively feasible. Too fine a level of investigation into local conditions by Settlement Officers had already once been found impracticable.<sup>14</sup>

At the second Settlement of Ludhiana in 1882 greater precision was in fact achieved in the *wājib-ul-'arṣ* and the language was less formal. There was more variation from village to village, notes could be added recording the identity of groups which dissented from a particular clause, and the decisions of relevant court cases could be cited (the parties being identified by name). But by then local legislation was directed differently, towards customs associated with particular castes rather than with a more general category such as *halwālā*. Although the shares of proprietors were in fact revived at the second Settlement in several villages of the locality studied, where previously they had been left unrecorded, this was because shareholding proprietors had now to be further distinguished from the many people who had bought plots of land without a corresponding share in common holdings of the village. Shareholding marked the exclusive, ancestral core of a village community defined now entirely by descent, if not from a single ancestor many generations back, at least from those who had been registered as proprietors at the first Settlement. It would have been inconceivable, I think, to revive a notion like *halwālā* in 1882, thirty years after the shares of tenants had been obliterated. India was by then already well into the process of being constructed as the sum of all castes, tribes and religions, rather than as a disorderly collection of village republics with whom agreements for the collection of revenue had to be negotiated separately. Techniques of rule had been refined to include the ideological. The myriad

<sup>14</sup> Concerning the first Settlements made under Regulation VII of 1822, by which minute investigation into land tenures was formally established, Douie later commented that "the plan ... fell for the time being by its own weight", since the periods regarded as necessary for completion of Settlement in different districts "varied from three to sixty years" (Douie (1899:para.24).

statutes of the Indian other was everything, the idea of the formation of a village community — or even a tribe — by mutual agreement in a kind of contract anathema to an Anglocentric view of historical development.

Placing developments in local records against those at more general levels of official reports, and taking due account of trends up to the 1850s, the broad trend of changes in official outlook from 1853 onwards is from village republic to caste, from capabilities to descent, and from contract to status. This is a view from a local 1853 synchrony. To have followed changes in the form or function of the *wājib-ul-'arṣ* during the period between Settlements in any greater detail, or to have tried to examine the public use of the local records, would have been another project. Examination of the judicial records would doubtless have opened quite different windows onto local society and imperial rule from those concerned with land registration and village idioms of tenure.

I would like to end by looking through the window of the 1853 Settlement backwards again, to seek an alternative vanishing point, so to say, than that of revenue. The third class of land in a village's territory, after allotments and commons, was the village site. Excluded from assessment and never internally measured, the village site was hardly given consideration at the first Settlement, when the transition from records of revenue liability to records of rights can be said to have been still incomplete. Only at the second Settlement were rights to building materials and rights of residence specified, just as it was only at the second Settlement that the rights and duties were recorded of all non-cultivating castes, where previously only those of *begārīs* had counted, which touched more directly upon agriculture. At the first Settlement questions concerning the village site and non-cultivating castes had been treated under village taxation, for example whether houses should pay *atrāfi* dues and how the levy for *chaukīdārs* would be adjusted if a house became vacant. The question for review is thus the extent to which village powers of internal management — village government, to give it a grander name — were circumscribed



by the general effect of land registration or by specific acts of containment.

The question arises from another angle as well. If the distinction is followed through between corporate control of territory and corporate involvement in the business of agriculture, then the forms of that control should be considered, especially over residence in the village, as well as the permanence of arrangements for cultivation, including the permanence of shares. We have argued that in the local, polyvalent idiom, ploughs as shares need not have referred to the actual implements in terms of which the services of blacksmith or barber were remunerated, any more than they had to signify the exact amount of work required for cultivation. A general formula is not the same as a specific prescription. If for one village (L-101) we could imagine how an informal arrangement for apportioning village expenses over actual plough-teams was formalized when revenue began to be collected in cash, in the village where a duality of privilege is most evident (L-183) the allocation of shares to cultivators (proprietors as well as tenants) was in fractions of halves, quarters and eighths of a plough rather than in whole units.

Fortescue's description of internal arrangements in villages around Delhi in 1820, which he recommended the government to leave undisturbed, are of special interest since it was made before there was any detailed land registration when assessments were nevertheless being based on surveys (though not to the extent of measuring individual fields), some statistics and even a consideration of the "caste and persuasion of proprietors".<sup>15</sup> Although there was a clear "right of property in the land" which was "unequivocally recognized ... by descent, purchase or gift" (p.74) and was superior to the rights of cultivators, of whom he distinguished four classes (p.78), Fortescue did not write of any corporate group of cultivators distinct from that of the proprietary "sharers", nor did he associate any system of allotment with a corresponding system of apportioning

<sup>15</sup> Fortescue (*op. cit.*:87).

collective liability (p.74). On this aspect his report is not germane. But where it does provide an interesting contrast with the standard arrangements of the 1853 Settlement is in the position of village headmen and their liberty to realize, by a variety of means, contributions to a common pool of funds with which to meet both internal expenses and external demands. In this sense the village system of administration recommended by Fortescue, without field maps, records of shares or registers of holdings but with all power centralized in the headmen, appears as a polar opposite of the village system eventually established in the Panjab, where as complete a record of internal relations was made as possible and where the power of the headmen was severely circumscribed. With judicial affairs too the contrast is striking, Fortescue recommending that the system of dispute settlement through *panchāyats* be left well alone, for the good of the village and the consequent good of the government.<sup>16</sup>

*Punchayets* sprung up and proceeded from the people themselves.... The late Government had no concern in the tribunals of *Punchayet*. They formed no part of their studied jurisprudence. They arose, on the contrary, from the absence and want of legislation, and we cannot preserve their original integrity but by letting them, as heretofore, rest with the people. An attempt to regulate, by rules and forms, what never knew either, would be a metamorphosis, and so distort that which was beneficial as perhaps to render it pernicious in the extreme.

In this sense one can well speak of village government — Fortescue used the term republics (pp.113, 117) — and of imperial government proceeding upwards from village government, like a form of *panchāyatī rāj*, rather than the other way around.

The position of the headmen (*muqaddam*), as described by Fortescue, was pivotal, "from time immemorial the persons through whom the rents of the villages have been settled and collected, and who have adjusted the quota of each sharer" (p.82, my emphasis). There were different

<sup>16</sup> *Ibid.*:123-4.

methods of apportionment or adjusting quotas, "it being the primary object to tax each person proportionably to his means, and so as to render every species of property or profit liable to an even contribution" (p.97). In particular, by the third method described, called *chaubāchha*, the cultivators contributed a certain sum per plough while resident non-cultivators were taxed at different rates on three other kinds of units, per adult male, per hearth and per head of female cattle (p.96). "The *Kumeens* often contribute to the realization of the public demand on the village by paying their share of one or more of the three last species of taxation imposed by the proprietors ... in the *choubacha* plan" (p.81; also p.98). In other words the basic principle that government land revenue represented a certain share of the produce of every inch of cultivation was blurred. In the Panjab the liability of land owners to revenue would be specified individually and corporately for periods of thirty years in advance, just as the whole constitution of the proprietary body would be delineated. In the scheme described by Fortescue, however, the government assessed the revenue from a survey of the cultivation but left a village free to choose its own means of collection, internal details remaining unspecified. The quotas of individual land owners could be supplemented by taxes from non-cultivators. Moreover, although the internal quotas were sometimes fixed for a definite period of years, more often they were arranged "annually or half yearly, either previous to sowing or after the harvests have been reaped" (p.97), through the medium of an "assembly, most frequently of the whole society, convened with this view" (p.95). The plough here could also stand alone as a measure for holdings of land, as in the other two methods of apportionment by *jhūndī* (a lot) and *bīgharī* (by the *bīghā*), when it would be more akin to the expression of shares as "ploughs" that we know of in Ludhiana. But, as I mentioned earlier, Fortescue said that there was no necessary correspondence between allotment and apportionment, and I believe that in the *chaubāchha* plan he was speaking of actual working ploughs. Finally, although it was admitted that the pivotal position of

headmen "afforded them a degree of knowledge, skill and ascendancy that enabled them often to outwit both their brethren and the ruling power for their own aggrandizement", to an extent that they might become "a little aristocracy" (p.118), Fortescue maintained that, in general, headmen were restrained by the approval or good opinion of the community (pp.117, 122) and "were of the condition of the sharers generally" (p.121).

The contrast with arrangements at the 1853 Settlement is striking. A doctrine of *laissez-faire* gave way to one of protective intervention. Completeness of local registration was to be coupled with the construction of an all-embracing, all-knowing official view of India. It was always a matter of pride that the Panjab was a non-regulation province, in the sense that the Regulations in force in Bengal and the North-western Provinces were not automatically introduced into the Panjab, and judicial procedures were intended to be less complicated.<sup>17</sup> But this did not mean any retreat from the idea of a rule by written records, nor in the end would it mean a lack of procedural rules or positive legislative discrimination. It could hardly be said of the village Settlement records in Ludhiana that they left internal affairs of a village alone, relying upon self-regulation, the knowledge of the headmen and the restraining influence of the headmen's fellow proprietors. Easier judicial processes did not alter the regulatory, legal foundations of land registration. With so much to be recorded, the tendency was to elaborate and extend, to tighten the record in the guise of making it more accurate or of closing gaps in the provisions that a Settlement Officer feared might lead to abuse.

There was nothing of the *laissez-faire* in the attitude of Davidson, the 1853 Settlement Officer of Ludhiana. He was looking at the country with a different eye. He may not have observed very much about different systems of organizing agriculture in Ludhiana. A direct comparison between

<sup>17</sup> For example, Philip Mason wrote that non-regulation provinces were initially administered "in the spirit of Malcolm and Metcalfe, by the light of a clear conscience and a clear head" (Woodruff 1954:88).



village records of the 1853 Settlement and the district Settlement Report may not therefore be possible. But he had a certain broad vision in regard to future improvements in the district, for example the allocation of land for planting trees in every village, the building of a canal along a course similar to that of the present Sirhind canal or the colonization by Ludhiana farmers of uncultivated tracts in the Bari Doab to the west of the district beyond the Satluj.<sup>18</sup> And he had no hesitation in writing restrictions into the standard form of a *wājib-ul-'arṣ* if he thought they would lead to an improvement in the internal management of village affairs. In particular in the present context, he restricted the headings under which village expenses could be collected or disbursed, in order that the village expense account should not become a reservoir of funds for the headmen's own use, whether for the good of the community or their own aggrandizement, in the manner described by Fortescue.<sup>19</sup> Over the question who should be held liable for a default in revenue payments, for instance, Davidson explicitly ruled that the headmen should not be allowed to make up payments from the village expense account, since "this ill-defined management of the yearly village rate is a constant source of turmoil and confusion in the village".<sup>20</sup> A degree of independence was anticipated here and, in the spirit of the new rule-by-records, firmly restrained.

## APPENDIX A

### The Revenue Records Room

At the time of my field-work the building which housed the Revenue Records Room was at the centre of the old complex of the District Courts (*kachahrī*). Access was through the office of the Sadr Kanungo, to which was also attached a small copying office. The keeper of the revenue records (*muḥāfiẓ khāna-i māl*) doubled as the *jāgīr* clerk. On the opposite (western) side of the same building was the Judicial Records Room. Other administrative offices and courts were located in other parts of the building. Offices of the Zillah Parishad (formerly the District Board), which maintains the records of the 1853 household census (*khāna shumārī*), were in a separate compound immediately to the south of the District Courts.

In 1976 the main administrative offices, including the S.K.s' office, were moved to a new "mini-secretariat". The Revenue Records Room remained in the old complex, however, and had still not moved by the time I left, waiting for the new room to be ready which would be sufficiently airy, light and free from damp during the rains. One provision for the preservation of the records had been periodically to take them out of the records room, village by village and bundle by bundle, to air them in the winter sunlight, opening the pages and inserting new *nīm* leaves or DDT powder. This occurred once during my field-work. Generally the records had withstood the ravages of time well.

The *jāgīr* and *mu'āfi* registers for the whole district were kept in the Sadr Kanungo's office itself. I am not sure of their form since I hardly consulted them. The Village Tables of the 1941 Census were also kept in one of the office cupboards, but those of earlier Censuses were never found.

Holdings inside the Revenue Records Room may be considered in two parts, abstracts and village records, the latter forming by far the greater part since every one of the 900 or so villages in the district has a continuous series of records going back to the beginning of British rule (1835 for *parganas* Ludhiana and Bassian and 1846 for the rest of the district). The records for each village are grouped into bundles wrapped in cloth, sometimes ten or twelve bundles for a single village, and they are stacked in three stories (nine tiers) of racks. The abstracts, on the other hand, are stored in separate cupboards, which also contain miscellaneous old files such as those relating to the appointment of *paṭwārīs* at the 1882 Settlement (see page 116). The manuscript copy of Davidson's 1853 Settlement Report, for instance, is kept in one of these cupboards.

#### Abstracts

Each of the three Settlements of the district, 1853, 1882 and 1909/10, has a set of Abstract Village Notebooks written in English which, for every

<sup>18</sup> Davidson (1859:10, 24-5, 23).

<sup>19</sup> *Ibid.*:67.

<sup>20</sup> *Ibid.*:72.

village, contain agricultural statistics and the notes of the Settlement Officer regarding first the assessment and later the apportionment of the demand within the village. The 1853 Notebooks are called *Pargana* Notebooks since the village abstracts are bound for each *pargana* separately. These 1853 abstracts give the breakdown of the village's total area by soils, the assessment that would result from applying different rates of assessment and the opinion of the Settlement Officer about a suitable demand. For the other two Settlements both the statistics and the Settlement Officer's notes are more extensive. The 1882 Abstract Village Notebooks also contain the notes of the Extra Assistant Settlement Officer and/or the Superintendent, in Urdu, regarding the general condition of the village, the amount of personal debt and so on. These remarks do follow standard guidelines but can provide useful supplementary information. Similarly, the notes of the 1909/10 Settlement Officer often mention how much a village had suffered from plague or the extent of migration to the Canal Colonies. The statistical abstracts of the 1909/10 Notebooks have much the same form as those of the Village Notebooks (*Lāl Kitābs*) which *patwārīs* had to maintain and keep up to date for every village after the 1882 Settlement (see Douie 1899: paras. 427-8 and Douie 1908: Chapter XI). Finally, the 1882 Notebooks contain for each village original maps of the first Revenue Surveys of 1841 (under William Brown) or 1847/48 (under H.O Stephen), drawn on a scale usually of 4 inches to the mile and showing the principal features within the village boundaries. Some *pargana* maps from the same surveys, on the scale of one inch or half an inch, are bound into the same 1882 Notebooks. Each set of these Notebooks is kept in one or other of the Revenue Records Room cupboards.

Three other sets of registers should be mentioned that are kept in the same cupboards, the 'Revenue Registers' from 1885 to 1909, the 1909/10 Zail Books and the registers of customary law. The Revenue Registers are abstracts of the Village Notebooks in English for assessment circles, *taḥṣīls* and the whole district. The Zail Books contain some statistics relating to each *zail*, the remarks of successive Deputy Commissioners concerning the appointment of *zaildārs*, one-inch *zail* maps showing village boundaries and the main agricultural tribe in a village — *zails* were delineated as far as possible to reflect the distribution of the dominant land-owning groups (see page 141) — and half-inch maps of each *taḥṣīl*, showing village boundaries and *zail* boundaries. The map at the end of the book was copied from the half-inch map of Ludhiana *taḥṣīl*.

There are thirty-four registers of customary law relating to the 1882 Settlement and eight relating to the 1909/10 Settlement. All are in Urdu and have notes of attestation by representatives of the group concerned for each village, who were usually headmen or *khewatdārs*. The 1882 registers have two additional index volumes, firstly of the groups whose custom was attested and secondly of the standard questions asked. A further six volumes relate to alluvion and diluvion. The 16 volumes relating to *taḥṣīl*

Ludhiana include four which concern particular Jat clans (Gill, Dhaliwal, Garewal and Pandher), four which concern miscellaneous Jat clans in different *parganas*, one relating to miscellaneous groups in the Jangal *'ilāqa* (the isolated southern villages), one to Muslim Jats and six to other specific groups (Labana, Muslim Rajput, Awan, Gujar, Dogar and Arain).

#### Village records

The basic run of records for each village is as follows:

- 1839 Summary Settlement papers (one or two sheets in tabular form, sometimes including a household census) in Persian (*parganas* Ludhiana and Bassian only);
- 1842 Settlement registers, following much the same form as the registers of the 1853 Settlement (including field maps and household census) though with less detail (*parganas* Ludhiana and Bassian only);
- 1846 Summary Settlement papers;
- 1853 Regular Settlement records and papers;
- Individual loose papers concerning transfers of land between 1853 and 1882;
- 1882 Revised Settlement records;
- Quadrennial *jama'bandīs* (up-dated registers of ownership and cultivation) between 1882 and 1909/10, which include mutation registers for the period covered;
- 1909/10 Settlement records;
- Quadrennial *jama'bandīs* and mutation registers from 1909/10 onwards.

The prescribed form of each register can be ascertained from the various manuals (e.g. NWP 1844 and 1847a, Gopal Das 1869, Barkley 1875, Douie 1899 and Douie 1908). The following notes relate only to the main registers of the 1853 Settlement and to the most important features of other papers.

The main registers of the 1882 Settlement are the *khewat-khataunī* (record of ownership and cultivation), the field map, the *shajra nasab* (genealogy) and the *wājib-ul-'arṣ*. The Genealogy of Proprietors includes three brief statements on the history of land tenure in the village, the village's name and its fiscal history. One other register should be mentioned which can throw up important information, though I did not consult it very much, the *fard badar*. This lists changes made to entries in the pre-1882 annual papers when bringing them up to date for preparation of the *khewat-khataunī*.

Papers intermediate between the 1853 and 1882 Settlements include those relating to the break-up of the old cantonment in 1856, from which three new estates were formed (L-164, 165 and 171) and some land was returned to owners in adjacent estates (L-161 to 163 and 166 to 169). The papers for L-164 take the form of a full register of proprietors and tenants.

Similarly, some villages in *pargana* Ludhiana which were in *jāgīr* or exempt from revenue at the time of the 1842 Settlement, and which were resumed before the start of the new Settlement in 1850, would have had



regular Settlement proceedings initiated after resumption, the *jāgīrdār* or *mu'āfīdār* having been allowed to make his own arrangements in 1842 without the preparation of records of rights. Papers prepared at these intermediate Settlements are invaluable for showing alternative forms of procedure, for instance in L-188 (Section 6.2) and L-81 (Section 7.3), and they include correspondence between the officer conducting the Settlement and the *taḥşīldār* or other subordinate official carrying it out. All pre-1853 unbound papers are usually preserved in the same bundle as the two bound volumes of the 1853 Settlement records.

The Summary Settlement papers contain brief assessment notes of the *taḥşīldār* and a statement of revenue receipts for the five or so years immediately before British rule, abstracted from returns forwarded by the Lahore government. I have made little use of Summary Settlement papers.

Of the unbound papers relating to the 1853 Settlement the most important are the preliminary registers prepared by Gokul Kumar, which consist of registers of proprietary holdings, tenancies and revenue-free holdings together with a brief statement of the village's history. Orders concerning changes made to particular entries during the course of the Settlement, before preparing the final registers, were written on these registers and are no doubt the reason for their preservation, though not all have survived. The preliminary registers were given to an *amīn* when he began field-measurements in a village and they are often the only papers preserved from a measurement file, others having by order been destroyed on completion of the Settlement. Some measurement files, however, have been preserved in their entirety, from the letter of the *amīn*'s appointment through the various inspections to the final order for preservation, perhaps because they contained an order of the Settlement Officer. The thickest file I came across was that relating to L-45 which runs to 113 indexed items, the two *amīns* having been accused of intimidating the landholders and fresh *amīns* having been appointed after an inquiry. Because in some *parganas* the *amīns* conducted the household census and drew a map of the village site at the same time as they measured the fields, it sometimes happens that these measurement files throw up information relating to the household census, even though the census records were preserved separately from the revenue records. One file was also found concerning the preparation of these preliminary registers for L-101, of which again I have made some use (pages 325-7).

The unbound household census registers of the 1853 Settlement are maintained separately from the revenue records in the offices of the Zillah Parishad. Their form differs slightly between *parganas*; for instance, no maps were prepared of village sites in *pargana* Nurpur. In addition to the main register, which shows how many men, women, boys and girls there were in each household as well as the number of animals, ploughs and carts, there is usually a map, an abstract in which totals were struck by caste, a register of schools and a register of wells. The remarks column often

contains valuable comments. The file also includes inspection notes and correspondence concerning the conduct of the census. The census registers of Ludhiana town are bound in two volumes; the map measures some five by eight feet but is a later copy on tracing cloth which omits the portions adjoining the fort (among the oldest parts of the town) that were razed in 1857. See Wynyard (1850a) and Brandreth (1859:para.88).

Finally, the 1853 Settlement records of a village will be described in greater detail, register by register. They are bound in two volumes, the first relating to the boundary proceedings and field-measurements, the second relating to assessment and the terms of the settlement.

#### Boundary proceedings (*mişl-i ḥaddbast*), dating from 1847

1. Agreements (*iqṛār-nāma*) between the village headmen and the headmen of each adjoining village concerning the establishment and maintenance of village boundaries.
2. If necessary, the decisions of arbitrators (*faişla-nāma nawishta munşifān*) relating to the establishment of a boundary between two villages.
3. A small-scale map showing the position of the main boundary posts and the number of subsidiary posts or marks between them.

#### Measurement proceedings (*mişl-i paimā'ish*), dating from 1851-1853

1. Field register: for each field, column by column, its number, name, owner, cultivator, dimensions, area, soil-type, extent of irrigation, crops sown, and remarks. Details of trees and wells are given in the remarks column.
2. Field map, generally 110 yards to an inch.
3. Totals for each page of the field register, item (1).
4. Register of cultivation holdings (*khataunī asāmīwār*). Abstracted from item (1), showing the extent of each holding, field by field, as well as details of rents. This had to be attested by a majority of proprietors and tenants; absentees were not accounted for.
5. Crop register, abstracted from (1). (See Appendix B.)
6. List of wells: the field number in which the well was situated, its dimensions, type and state of repair.
7. Register of the system of measurement prevailing in the village, showing the equivalence between the local measure and the standard *jarīb*. e.g. "Measurement in this village is in ordinary steps (*qadamī khām*); there is no measurement in *ghumā'o*."

#### Settlement proceedings (*mişl-i bandobast*), dating from 1850-1854

1. *Taḥşīldār*'s 1850 report on the village (*kaiḥiyat ḥaişiyat-i dīh*). This has twenty or so headings and includes historical details (often differing from those appended to the 1882 Genealogies) and the *taḥşīldār*'s opinion regarding the severity or otherwise of the existing revenue demand.
2. Report from the head administrative office (*sarīshṭa*) of the district giving the village's administrative history under British rule, including



summaries of judicial decisions of the civil courts, relating to land disputes in the village.

3. Report on the agricultural condition of the village, by the official who checked the measurement proceedings (the *peshkār-i pañāl*).
4. First part of the revenue contract, for a stipulated annual amount, between the village headmen and the government (*darkhwaṣt sar-anjām mālguzārī*).
5. Second part of the revenue contract, containing the Settlement Officer's statement and order (*roḥkār-i tajwīz-i jama'*).
6. Statistical abstract, 'Statement no. 2'. A translation of this statement was given for each village in the *Pargana* Notebooks.
7. Register of proprietary holdings (*khewat*), showing the revenue liability of each holding. This had to be attested by all proprietors, and absentees accounted for.
8. Register of occupancy tenants.
9. Register of headmen's allowance (*pachotra* or 5%).
10. Register of ownership of masonry wells (*fard osrāh chāhāt ya'nī bārī ābpāshī*). Comparison with the measurement register no.6 above shows that only masonry wells were listed here. This had a column for owners and shareholders, but for the village whose papers I copied (L-60) there was said to be no rule of irrigation for the one masonry well ("... *aur na kuchh ta'aiyun bārī kā hai*"); the well belonged to all proprietors of three of the six *pañālīs* according to the relative size of their *khewats*.
11. *Wājib-ul-arz*, or village administration paper, to which is appended the *amrāfi*-register. This sets out the constitution of the village, or the customs and conditions under which village affairs would be managed until the next Settlement (see Section 2.2.1 and Appendix D). Like the *khewat*-register and the register of *khataunīs*, this had to be attested by all proprietors; but details of absentees are fuller.
12. List of cultivation holdings (*terīj asāmīwār*): like the *khataunī* register (no. 4 of the measurement proceedings) but without field numbers.
13. Final statement of the Settlement Officer regarding the Settlement of the village (*roḥkār-i akhīr*). The whole course of Settlement proceedings was described, for the most part duplicating details contained elsewhere (especially in the *wājib-ul-arz*). Details not found in other registers include (1) a list of *mu'āfidārs*, taken from a separate register not belonging to the village records; (2) a comparison of returns for the village's area according to the field measurements and the external revenue survey; and (3) a summary of disputes decided by the Settlement Officer during the course of the Settlement. As with item 2 above, the summaries relating to land disputes are brief.

## APPENDIX B

Table A Area of crops sown in 1852/53, 20-village core sample

village	Total cultiv'd area (bighās)	% double cropped	Total sown area (bighās)	SPRING CROPS (% of total sown area)												AUTUMN CROPS (%)											
				TOTAL	grain		grain & chick peas	chick pea	kale /fodder	mustard	musk melon	water melon	vegetables	tobacco	OTHER	TOTAL	mill- ets			pulse		green fodder	cotton	sugar	indigo	OTHER	
					wheat	barley											mixed	wheat	barley	maize	large						small
55	262-15	28	335-15	60	54	1	1			4						40	22	1			3	11	4			0	
56	139-14	3	144-5	60	27	6	24			3						40	14	15			8	2				0	
59	1421-5	14	1617-4	57	47	3					7					1	43	11	15			13	2		2	0	
60	1618-0	5	1696-18	56	54	1					0					0	44	1	2			0	36	5	1	0	
65	608-11	7	648-16	82	78	0				2	0	0		0	0	1	18	5				10	2		1	0	
66	348-0	8	374-10	66	54	9	1			2	0			0	0	0	34	6	2			1	21	1	3	0	
67	483-9	0	485-3	79	47	25	5			0	2			0	0	1	31	1				19	0		0	0	
68	706-18	26	888-5	64	54	6				0	0	1	0	0	1	0	36	5				29	2		0	0	
69	43-9	18	51-5	67	67												33	6				4	22				
70	336-0	0	336-18	96	90	4				1	0			0	0	0	4					31	0				
71	679-15	80	1221-9	55	52							4			0	0	45	13									
180	653-2	2	663-11	47	14	1	0	25		2	3	0	0	1	0	0	53	8	11	0	1	1	29	0	1	0	
181	1689-0	3	1732-12	47	8	3	0	34			1			0	0	0	53	12	13	1	0	0	24	0	2	1	
182	819-0	13	925-10	51	51	0				0					0	0	49	12	10	4		1	18	1	2	0	
183	2129-6	11	2357-4	65	58	1	0					5		0	1	0	35	5				11	18	0			
184	1107-10	5	1160-5	44	38					5	0		1			0	56	18	11	0		0	21	0	5	1	
185	704-1	5	740-3	41	37					3							59	11	4	0		0	31	12	2	0	
186	1528-17	4	1587-10	48	41	3	0			4	0			0	0	0	52	13	6	1		26	4	2		0	
187	1392-0	4	1450-10	57	54	0				2	0			0	0	0	43	7	12	7		2	13	0	3	0	
188	539-18	8	583-9	56	50	4				1			0			0	44	6	6	23		0	3	3	2	1	
Tot	17210-10	10	19001-2	57	46	2	0	1	3	0	1	0	2	0	0	0	43	9	6	2	0	0	11	12	2	0	0

Sub-total for *bej* villages (L-55 to L-71)

6647-16	17	7800-8	63	55	4	1				1	0	2	0	0	0	0	37	7	4			0	22	2		1	0
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Sub-total for *dhaiyā* villages (L-180 to L-188)

10562-14	6	11200-14	52	40	1	0	1	5	0	2	0	1	0	0	0	0	48	10	7	3	0	0	19	6	2	0	0
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Total for urban estates of Ludhiana town (L-77, 78, 87, 161-2, 166-9, 172-3)

6437-1	3	6607-10	70	58	5	1	1	1		1	0	0	1	1	0	1	30	1	2	0		0	1	25	0		0
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Note: 1. Details are taken from the crop abstracts contained in the 1853 Settlement records of individual villages. Crops were registered when fields were measured, which was done village by village at different times of the year and by different teams of surveyors. Percentages have been calculated from the figures as given in the registers, with little attempt to group the headings into general categories like vegetables (which were sometimes itemized), pulses (which would include spring pulses like *masūr*) or animal fodder (some autumn crops clearly serving this purpose instead of the generic *charī*). Only those crops have been tabulated which were greater than 0.5% of the sown area in any one village. Thus the purpose of the table is to show the general pattern of cropping recorded, regardless of accuracy. The percentage of double-cropped land in L-71, for instance, was surely overstated — Egerton said as much in his notes on the village in the *Pargana* Notebook: the assessment had to be reduced before the proprietors would accept it, no one else having been found to take the village in farm at the higher assessment.

2. The terms used in the crop registers are as follows (from left to right):

Spring: *gandam*, *jau*, *gandam-jau*, *nukhyd/chanā*, *tārāmīrā*, *sarshaf*, *khārbūza/fālez*, *tarbūz*, *tarkārī*, *tamākū*;

Autumn: *maka'ī*, *juvār*, *bājārā*, *shāfī*, *māsh*, *moth*, *charī*, *kipās*, *naishakar*, *nīl*.

The most common "other" crops were carrots, hemp, sesame, onions and peppers, all of which occurred in more than 8 of the 20 villages, although never in large quantities.

3. The "total area cultivated" of this table differs from the "total area under cultivation" of other tables (e.g. Table 5.1) because the latter includes *jadīd* land "newly thrown out of cultivation".



## APPENDIX C

### Names of villages

L-38 Bhaini Salu	L-66 Rawat	L-158 Haibowal Khurd
L-39 Bounkar	L-67 Dhoola	L-161 Taraf Karabara
L-40 Machhian Khurd	L-68 Kakka	L-162 Taraf Hasan Rora
L-41 Machhian Kalan	L-69 Bhoda	L-163 Rajpura
L-42 Selkhiana	L-70 Jahangirpur	L-164 Mahal Baghat
L-43 Shekhowal	L-71 Mehrban	L-165 Mahal Rakh
L-44 Garhi Fazil	L-72 Sirah	L-166 Taraf Ghailewal
L-45 Mattewara	L-73 Sattowal	L-167 Taraf Piru Banda
L-46 Burj Mattewara	L-74 Chuharwala	L-168 Taraf Burra
L-47 Raur	L-75 Dheri	L-169 Taraf Nur Bhaini
L-48 Buthgarh Banjara	L-76 Bajra	L-170 Ludhiana
L-49 Mangli Tanda	L-77 Taraf Jodhwal	L-171 Mahal Qila
L-50 Mangli Khas	L-78 Taraf Sekhewal	L-172 Taraf Saiyidan
L-51 Walipur	L-79 Phamra	L-173 Taraf Qazi
L-52 Mianwal	L-80 Kakowal	L-174 Dholewal
L-53 Jaspal Khadar	L-81 Nurwala	L-175 Sherpur Khurd
L-54 Kariana Kalan	L-82 Kaneja	L-176 Sherpur Kalan
L-55 Kariana Khurd	L-83 Shujaatwala	L-177 Jamalpur (Awanan)
L-56 Khasi Khurd	L-84 Jamalpur Lele	L-178 Kulliawal
L-57 Jiwanpur	L-85 Kasabad	L-180 Bhamian Khurd
L-58 Mangli Qadir	L-86 Bahadurke	L-181 Bhamian Kalan
L-59 Hawas	L-87 Taraf Salemtabri	L-182 Tajpur
L-60 Ghousgarh	L-88 Bhoura	L-183 Khasi Kalan
L-61 Gadapur	L-89 Bhattian	L-184 Bhukri Kalan
L-62 Sasrali	L-101 Jassian	L-185 Bhukri Khurd
L-63 Bunt	L-102 Haibowal Kalan	L-186 Dhanansu
L-64 Mangat	L-152 Fattehpur	L-187 Budhewal
L-65 Khwajke	L-157 Barewal (Awanan)	L-188 Paharuwal

Numbers are *haddbast* numbers of the current 1909/10 Settlement.

## APPENDIX D

### 1853 *wājib-ul-‘arz*

L-60 is the only village in the sample for which a fair copy of the 1853 Settlement record exists, made in the 1920s, in addition to the original which is in a bad state of preservation. I transcribed this fair copy partly to familiarize myself with the more difficult hands and conventions of the 1853 originals. I then compared this version with the original 1853 *wājib-ul-‘arz* of other villages (L-55, 59, 76, 81, 158, 183 and 188) in order to analyze the range of variation, which is small. In one or two phrases, however, my reading may still be doubtful, for instance in the opening sentence of Clause 14. Some difficulties relate to the conventions of the period. For example the genitive affixes *ke* and *kī* are often not distinguished in the running hand of the original, the postposition commonly comes before the noun it governs ("*wāṣṭe dawām ke*" rather than "*dawām ke wāṣṭe*") and Persian genitive constructions are general though an *izāfat* is almost never written; taken together these conventions can result in a string of nouns ending with a *ke* and/or a *kī* governing one is not sure exactly what. Where I think the sense will be clarified, and with certain standard phrases like "*ḥasb-i*", I have added an *izāfat* in the transcription — and I hope this does not confound the language. I have also abbreviated the names of all cultivators and shareholders to capital letters, which depersonalizes the document though may make it easier to read. Areas are given as usual in the form 50 = 19, meaning 50 *bīghās* and 19 *biswāsī*. Finally, I have included in this appendix all addenda to the 1853 *wājib-ul-‘arz* for L-60 as well as the notes of attestation, inspection and sanction, in order to give the reader a sense of the document not as an abstract report about village customs but as a transactional process between ruler and ruled.

*Wājib-ul-'arṣ mauẓa' Ghausgarh pargana Sānawāl taḥṣīl wa ṣīla' Lūdhīyāna*

*Ham ki lambardārān wa jumla khewaṭdārān mauẓa' Ghausgarh pargana Sānawāl ki jin ke nām taḥtī meṇ is wājib-ul-'arṣ ke taḥrīr hai:-*

*Daf'a awwal, zikr-i bandobast-i sarkār. Iqrār karte haiṇ ki, jo bandobast is gānw kā peshgāh ṣāḥib bahādur muhtamim-i bandobast se ba-jama'-i 1406 rūpaya māl aur 14 rūpaya road fund, jumla 1420 rūpaya, mī'ādī tīs bars min ibtidā faṣl rabī' san 1854 'tswī li-ghāyat faṣl kharīf 1883 'tswī ba-jama' musāwī wa tā tajwīz ṣānī hamāre nām par muqarrar hu'ā hai, ba-taslim-i sharā'it-i zail adā karte raheṅge.*

*Daf'a 2, zikr-i ṣadr mālguzārān. Ham logoṇ ne jo musammayān AA walad AB wa BA walad BB wa CA walad CB wa DA walad DB wa EA walad EB wa FA walad FB qaum jāṭ musalmān ko ṣadr mālguzār muqarrar kiya hai, ma'rifat un ke mu'āmila-sarkār ma'a road fund qisṭ ba-qisṭ, ya'nī faṣl rabī' 15 June (1/4), 15 July (1/4), faṣl kharīf yakam December (1/4), yakam February (1/4), dākhil-i kachahrī-taḥṣīl karte raheṅge aur min-jumla māl wājib-ul-adā'e har do faṣl chārōṇ mahīne aqsā meṇ jitane rūpaya lambardārān apnī khushī se andar 'arṣa yak māl peshkar is se ba-kachahrī-taḥṣīl dākhil karen to taḥṣīldār un se le-kar siyāha meṇ darj kare.*

*Daf'a 3, zikr-i be-bāqī mu'āmila. Jo yih gānw bhāṭachārā kā hai har ek khewaṭdār apnā apnā zar-i khewaṭ degā aur jo koṭī khewaṭdār kisī bā'is se apnī arāzī chhor-kar chalā jāwegā to ba-ṣūrat lauṭ āwane us ke andar mī'ād bārāh bars ke apnī zamīn par qābīz ho saktā hai magar ba-sharṭ is ke ki waqt chalā jāne ke kuchh bāqī zimma apnī na le jāwe. Agar kuchh bāqī le jāwe to ba-waqt-i wāpas āwane andar mī'ād mazkūr ke, ba'd adā'e bāqī ke, dakhil pāwegā. Agar kuchh zar-i bāchh ba-sabab uftāda rahne zamīn us kī ke dīgar khewaṭdārān ne bi-'l-iwāz zamīn us kī diyā hogā to adā karnā is kā bhī zimma us kī wājib hogā. Aur agar kabhī ba-sabab nādārī kisī khewaṭdār kī zar zimmagī us kā bāqī rahegā yā adā na kar sakegā to sharīk us kā zar-i khewaṭ us kā adā kar-ke zamīn us kī par qābīz hogā, aur jo sharīk na ho yā zar zimmagī muflis yā mafrūr kā denā qubūl na kare to sab khewaṭdārān us paṭṭī ke adā kar-ke zamīn us kī ḥasb-i ḥiṣaṣ bānt leṅge; agar lambardār-i paṭṭī yā khewaṭdārān paṭṭī ke adā karnā zar bāqī sarkār kā qubūl na karēṅge to tamām khewaṭdārān gānw ke ḥasb-i ḥiṣaṣ zar-i khewaṭ zimmagī muflis yā mafrūr kā adā kar-ke zamīn us kī par qābīz hoṅge kiswāṣṭe ki be-bāq karnā jama'-i sarkār kā zimma ham sab khewaṭdārān gānw kī hai. Dar-ṣūrate-ki kull gānw ke log adā'e zar-i bāqī se inkār karen to pahle khāṣṣ ḥiṣsa bāqīdār kā muntaqal yā nīlām kiya jāwegā; agar us se zar-i bāqī sarkār adā na ho sake to wuh paṭṭī kī jis meṇ ḥiṣsa bāqīdār kā wāqī'a hai muntaqal yā nīlām*

Village Administration Paper of the village of Ghausgarh, pargana Sahnewal, taḥṣīl and district Ludhiana

We, the headmen and all the revenue-paying proprietors [khewaṭdār] of village Ghausgarh in pargana Sahnewal, whose names are written at the bottom of this wājib-ul-'arṣ:-

**Clause one, concerning the government Settlement.** We undertake that, agreeable to the following conditions, we shall continue until a fresh authorization to pay the revenue-demand of 1420 rupees (1406 tax [māl] and 14 road fund) which has been fixed in our names for a period of thirty years in equal demands from spring 1854 to autumn 1883 by the Settlement Officer at this village's Settlement.

**Clause 2, concerning the head revenue-payers.** We have appointed AA son of AB, BA son of BB, CA son of CB, DA son of DB, EA son of EB and FA son of FB, Muslim Jats, as chief revenue-payers through whom we shall keep paying the government revenue and road fund into the taḥṣīl office instalment by instalment, in other words on 15th June (1/4) and 15th July (1/4) for the spring harvest and on 1st December (1/4) and 1st February (1/4) for the autumn harvest. Within a period of one month before this the headmen may pay into the taḥṣīl office however much they like of what is payable for each harvest in the four monthly instalments, which the taḥṣīldār will take from them and enter as credit.

**Clause 3, concerning arrears of revenue.** Since this is a village held by the custom of brotherhood [bhāṭachārā] every proprietor pays the amount relating to his own proprietary holding. If for some reason a proprietor abandons his land and goes away he can retake possession of his land if he returns within twelve years, provided he was not liable for any arrears at the time of his departure; any such arrears he must repay on his return within the stipulated time before he takes back possession; and he is also liable to pay any portion of the assessment that other proprietors may have had to make up on account of his land having remained uncultivated. If a proprietor ever becomes insolvent and falls into arrears or is unable to pay the amount for which he is liable then his land may be occupied by his partner on payment of what is due on the holding, and where no partner exists or he refuses to pay the amount for which the insolvent or absent person is liable then all the proprietors of that man's section [paṭṭī] may make the payment and divide up the land according to their shares. If the headmen and proprietors of his section too are not prepared to pay the government arrears, then all the proprietors of the village may take possession of the land according to their shares once they pay the amount on the holding for which the insolvent or absent person is liable, since it is the responsibility of us, the combined proprietors of the village, to make up the government demand. In the event that the whole village refuses to pay the arrears then first the insolvent's share will be alienated or auctioned and then, if the government arrears cannot be paid from this, the section in which his share is situated will be alienated or auctioned, and if that too is



## 406 Rule by records: Land registration in the Panjab

hogī, aur jo paṭṭī bhī kifāyat na kare to ba-nisbat kull gānw ke ḥākim-i waqt tajwīz karegā.

**Daf'a 4, zikr-i paṭṭiyāt.** Arāzī is gānw kī munqasam ūpar chhe paṭṭī ke hai, ṭhola koṭ nahīn. Pahlī paṭṭī ba-nām A, dūsri paṭṭī ba-nām B ke ma'rūf hai aur tīsri paṭṭī ba-nām C aur chauṭhī paṭṭī ba-nām D aur pānchwiñ paṭṭī ba-nām E aur chhaṭhī paṭṭī ba-nām F ke mashhūr hai. Aur raqba un kā ḥasb-i tafṣīl mundarija khataunī is tarḥ par hai: paṭṭī A 269=13 bīghā, paṭṭī B 272=4 bīghā, shāmilāt paṭṭī A wa B 19=11 bīghā, paṭṭī C 302=9 bīghā, shāmilāt paṭṭī A wa C 9 biswā, shāmilāt paṭṭī A wa B wa C 45=12 bīghā (khālīṣa 39=18, mu'āfi 5=14), paṭṭī D 270=18 bīghā, paṭṭī E 252=10 bīghā, paṭṭī F 260=7 bīghā, shāmilāt paṭṭī D wa E wa F 45=4 bīghā (khālīṣa 38=19 bīghā, mu'āfi 6=4 bīghā), shāmilāt dīh 156=15 bīghā (mu'āfi milkiyat-i mu'āfīdār 5=19 bīghā, milkiyat-i shāmilāt dīh 150=16 bīghā), kull raqba dīh 1896=2 bīghā.

**Daf'a 5, zikr arāzī shāmilāt.** Is gānw meñ 150=16 bīghā zamīn shāmilāt dīh aur 3=0 bīghā zamīn shāmilāt paṭṭī B aur 19=11 bīghā zamīn shāmilāt paṭṭī A wa B aur 9 biswā zamīn shāmilāt paṭṭī A wa C aur 39=18 bīghā zamīn paṭṭī A wa B wa C aur 10=8 bīghā zamīn shāmilāt paṭṭī D aur 13 biswā zamīn shāmilāt paṭṭī E aur 10=10 bīghā zamīn shāmilāt paṭṭī F aur 38=19 bīghā zamīn shāmilāt paṭṭī D wa E wa F kī wāqī' hai. To jo zamīn shāmilāt jis paṭṭī kī hai us meñ ḥiṣṣa khewaṭdārān us paṭṭī kā aur jo zamīn shāmilāt gānw kī us meñ ḥiṣṣa khewaṭdārān tamām gānw kā hai. Dar-ṣurat taqṣīm karne zamīn shāmilāt paṭṭī kī khewaṭdārān-i paṭṭī aur zamīn shāmilāt dīh kī khewaṭdārān tamām gānw ke ḥiṣṣa us kā ḥasb-i ḥiṣṣ-i khewaṭ pāweṅge. Aur ba-ḥālāt shāmil rahne ke jo paidāwār zamīn mazrū'a shāmilāt paṭṭī D wa F se ḥāṣil hogā us ko sab khewaṭdārān bābat apnī apnī shāmilāt ke ḥasb-i ḥiṣṣa bāham taqṣīm kar leṅge aur jo arāzī mazrū'a shāmilāt dīh, siwā'e kāsht muzārī'ān dahanda mu'āmila ba-sharḥ-i khewaṭ, se ḥāṣil hogā us ko kharch-i malba meñ mujrā leṅge. Siwā'e un ke aur kisī paṭṭī meñ zamīn-i shāmilāt qābil ḥuṣūl-i paidāwār ke nahīn hai, jo hai wuh ba-kāsht-i muzārī'ān hai ki wuh mu'āmila ba-sharḥ-i khewaṭ dete haiñ yā un ko muḥāsil-i zamīn kāsht un kī kā min-jānib mālikān mu'āf hai. Aur jo jangal wa shor se hai us meñ muwaishī charāweṅge. Aur jo koṭ khewaṭdār yā muzārī'a ghair mālik arāzī banjar qābil-i zir'at shāmilāt meñ taraddud kamā chāhe to ba-ijāzat jamī' ḥiṣṣadārān ke karegā, ek do khewaṭdār kī ijāzat se taraddud us kā nahīn ho saktā.

**Daf'a 6, zikr-i taur-i taḥṣīl-i zar-i sarkār.** Taur-i taḥṣīl-i zar-i sarkār is gānw meñ, ba'd khārij rakhne 100=2 bīghā zamīn-i shāmilāt dīh ke ki paidāwār is kā sab khewaṭdār muṭābiq apne apne ḥiṣṣa ke taqṣīm karne raheṅge, ba-ḥisāb fī bīghā pukhta sarāsarī 13 ānā kasrī kam ke qarār pāyā aur ba'd khārij rakhne zamīn-i shāmilāt paṭṭiyāt ke aur ba-liḥāz pūrā rakhne rūpaya ke

not enough then the ruling power's [ḥākim-i waqt] authorization will be required concerning the whole village.

**Clause 4, concerning village sections.** The land of this village is divided between six sections, without any sub-sections. The first section is known by the name of A and the second by the name of B; the third section is known by the name of C, the fourth D, the fifth E and the sixth F. According to the details given in the cultivation register [khataunī] the area of each is like this [in bīghās]: section A 269=13, section B 272=4, sections A and B jointly 19=11, section C 302=9, sections A and C jointly 0=9, sections A, B and C jointly 45=12 (39=18 revenue-labile, 5=14 revenue-exempt), section D 270=18, section E 252=10, section F 260=7, sections D, E and F jointly 45=4 (38=19 revenue-labile, 6=5 exempt), common to the village 156=15 (150=16 under joint ownership of the village, 5=19 exempt from revenue under the ownership of the person exempt), total area of the village 1896=2 bīghās [sic 1895=12].

**Clause 5, concerning land held jointly.** In this village there are 150=16 bīghās of land common to the village, 3=0 common to section B, 19=11 common to sections A and B, 0=9 common to A and C, 39=18 common to A, B and C, 10=8 common to section D, 0=13 to E, 10=10 to F and 38=19 common to sections D, E and F. Shares in the common land of a section are held by the revenue-paying proprietors of that section while shares in the village common land are held by the revenue-paying proprietors of the whole village. In case of partition of common land, revenue-paying proprietors take a share according to the proportion of their holding [khewaṭ] in the section or the whole village. If common lands remain joint, whatever is taken from the produce of cultivation on the commons of sections D and F will be divided up among the revenue-paying proprietors according to their shares in the respective common land while that from cultivated land on the village commons, except what is cultivated by tenants paying revenue at the rate for proprietary holdings, will be deducted from the village expenses. Apart from this no section has common land capable of yielding crops; what exists is under the cultivation of tenants who pay revenue at the rate for proprietary holdings or who are exempt by the owners from paying any dues. Whatever grows on scrub or barren land we use for grazing cattle. And if any proprietor or non-proprietary tenant wants to bring arable waste on common land under cultivation then he must obtain the permission of all the shareholders together, the word of one or two shareholders alone is not enough.

**Clause 6, concerning the way the government revenue is collected.** Leaving aside 100=2 bīghās of village common land whose produce is divided amongst the revenue-paying proprietors according to their shares, the government revenue is distributed in this village by a general rate of 13 ānās per full bīghā, rounding fractions down. The rates within each section, leaving aside common land and rounding each section's total to the nearest rupee, work out as follows: section A 14 ānās 1 pāṭ rounding up, section B

paṭṭiyāt meṁ ḥasb-i parta zail tafrīq-i jama' 'amal meṁ āṭ: paṭṭī A 14\1 ānā kasrī ziyāda, paṭṭī B 14\3 ānā kasrī ziyāda, paṭṭī C 13\7 ānā kasrī kam, paṭṭī D 14\2 ānā kasrī ziyāda, paṭṭī E 13\8 ānā kasrī ziyāda, paṭṭī F 14\2 ānā kasrī kam. Chunānchi us ba-mūjib zar jama' zimmagī har ek khewaṭdār kā ūpar ḥiṣṣa aur arāziyāt maqbūza un kī tafrīq ho-kar ba-izādī fī ṣadī ek rūpaya road fund wa fī ṣadī 3\2 rūpaya ḥaqq paṭwārī wa fī ṣadī pānch rūpaya pachotra yāstānī lambardār ba-taṣṭīl-i judāgāna mundarij naqsha-i khewaṭ hu'ā, to har ek khewaṭdār se zar-i lagṭā mundarij naqsha-i khewaṭ wuṣūl ho-kar rūpaya māl wa sarak dākhil-i sarkār hotā rahegā aur zar-i pachotra har ek lambardār muṭābiq ḥiṣṣa apne mundarija fard mashmūla miṣl ke apne taṣarruf meṁ lāwegā aur paṭwārī ujrat paṭwārgirī kī apne pās rakhegā. Aur jo kisī khewaṭdār kī zimma kuchh bāqī rāh jāwegī to ba-nālīsh sarsarī ḥasb-i zābiṭa us se wuṣūl kareṅge; aur nafa' wa nuṣṣān az-rū'e paidāwār ke jo ho to har ek khewaṭdār kī zimma hai.

**Daf'a 7, zikr-i chāhāt.** Is gānw meṁ koṭī chāh ābpāshī kā wāqī'a nahīn. Ek chāh ma'rūf takīya-wālā ba nambar 578 ba-milkīyat shurakāyān paṭṭī D wa paṭṭī E wa paṭṭī F ke wāqī'a hai ki us se tamām gānw ke log ābnoshī karte haiṁ, kuchh ābpāshī nahīn hotī hai; ba-sabab qillat āb ta'ayun bārī ābpāshī kā nahīn hai ya'nī agar koṭī mālīk khet muttāṣila chāh mazkūr se ābpāshī kamā chāhe to mumāna'at nahīn hai. Aur 9 bīghā ṭoba wa nālā ba-taṣṭīl-i zail is gānw meṁ maujūd haiṁ: milkīyat shāmilāt paṭṭī A wa paṭṭī B wa paṭṭī C (johar nambar 179, nālā rambar 688), milkīyat XA waḥaira walad XB khewaṭdār paṭṭī D (yak nambar 46 nadī), ba-milkīyat YA walad YB khewaṭdār paṭṭī E (nambar 124 nadī), ba-milkīyat shāmilāt paṭṭī D wa paṭṭī E wa paṭṭī F (nālā nambar 670), ba-milkīyat shāmilāt dīh (ṭoba nambar 153, ṭoba wa nālā nambar 245, nālā nambar 252, buḍḍā daryā nambar 743), ki un se muwaishī gānw kī ābnoshī karte haiṁ ābpāshī nahīn hotī aur na pānī lā'iq ābpāshī ke rahtā hai.

**Daf'a 8, zikr-i darakhtān.** Is gānw meṁ chhe paṭṭī haiṁ aur min-jumla chhe'oṁ paṭṭī ke paṭṭī A meṁ AA walad AB lambardār aur paṭṭī B meṁ BA walad BB lambardār aur paṭṭī C meṁ CA walad CB lambardār wa paṭṭī D meṁ DA walad DB wa paṭṭī E meṁ EA walad EB lambardār aur paṭṭī F meṁ FA walad FB lambardār yābandagān pachotra ke muqarrar haiṁ. To har shash lambardārān mazkūr arāzī shāmilāt dīh se pānch pānch biswā zamīn wāṣṭe lagāne darakhtān jadīd ke rakheṁ, aur jo darakht ki us arāzī meṁ paida hoveṁ to lambardārān mazkūr darakhtān lagāṭī huṭī apnī apnī ko bāham jumla khewaṭdārān wa asāmiyān apnī apnī paṭṭī ko sāl ba-sāl bilā qīmat bānṭ deweṁ; aur jo darakht muṣmir yā ḡhair muṣmir arāzī shāmilāt paṭṭī meṁ hogā ikhtiyār kāṭhe yā phal khāne us ke kā khewaṭdārān us paṭṭī ko hogā ki jis kī wuh zamīn shāmilāt hai, aur lakṭī us kī maqām-i shāmilāt meṁ kharch kī jāwegī yā qīmat us kī tamām khewaṭdārān paṭṭī ḥasb-i ḥiṣṣa āpas meṁ taqṣīm

14\3 rounding up, section C 13\7 rounding down, section D 14\2 rounding up, section E 13\8 rounding up and section F 14\2 rounding down. Accordingly the liability of each proprietor to the government demand is calculated on his share or on the area of land he possesses, with the addition of 1% road fund, 3.125% paṭwārī dues and 5% headmen's dues, the details of which are given separately in the register of proprietary holdings. Thus of the amount specified in the register and collected from each proprietor, the money for the revenue and the roads will be deposited with the government, the headmen's dues will be at the disposal of the headmen, each according to his share given in an attached register, and the paṭwārī will keep his dues as salary for performing the functions of paṭwārī. When a proprietor falls into arrears with part of his liabilities we shall make a demand from him through a summary notice according to regulations. Every proprietor is responsible for whatever profit or loss arises from what he produces.

**Clause 7, concerning wells.** No well exists in this village for irrigation. There is one well known as 'the one by the sanctuary' in field number 578, which belongs to the shareholders of sections D, E and F jointly and is used by all the people of the village for drinking, not for irrigation. No rota has been fixed for irrigation because of the scarcity of water although there is no prohibition against the owner of a field adjoining the well who wants to use it for irrigation. A total of 9 bīghās in the village consists of ponds and streams, as follows: a pond in number 179 and a stream in 688 belonging to sections A, B and C jointly; part of the river in number 46, belonging to XA son of XB, a proprietor in section D; number 124, another part of the river belonging to YA son of YB an owner in section E; number 670, a stream belonging to sections D, E and F jointly; and in the common land of the village, numbers 153 pond, 245 pond and stream, 252 stream, and 743 the old river. From all of these the village animals drink; there is no irrigation nor is the water suitable for irrigation.

**Section 8, concerning trees.** There are six sections in this village and all six have headmen who receive headmen's dues: AA son of AB in section A, BA son of BB in section B, CA son of CB in section C, DA son of DB in section D, EA son of EB in section E and FA son of FB in section F. Each of the above headmen may use 5 biswās of land on the village commons for planting new trees, and whatever trees grow on the land allotted to a section, planted by the headman concerned, may be divided up every year amongst all the owners and tenants of that section, without regard for pricing. Regarding other trees, fruit-bearing or not, the revenue-paying proprietors of each section have the authority to cut or eat the fruit of any tree growing on the common land of their section, and either the wood may be used on a common site or the price of the wood should be divided amongst the proprietors of the section according to their shares. Similarly all the proprietors of the village are joint owners of trees growing on the village commons, but the price of wood from common land of the village



kar leṅge, aur jo arāzī shāmīlāt dīh se ho kull khewaṭdārān gānw mālik us ke haiṅ magar qīmat lakṛī shāmīlāt dīh kī malba meṅ mujrā leṅge. Aur darakht-i nayā arāzī shāmīlāt meṅ ek khewaṭdār ko lagāne kā ikhtiyār nahīn hogā, agar khud-ro hogā to tamām khewaṭdār mālik us ke hoṅge. Aur jo darakht mainḍ-i khet-i do mālikān par wāqī' hai so pānī dhāl kī rū se jis ke khet meṅ pānī zer darakht ke rawān hai usī kā wuh darakht hai, aur jo darakht aīsā wāqī' hai kī pānī tale darakht ke donoṅ khet par jātā hai wuh darakht ba-sharākat donoṅ mālikān ke hai.

Daf'a 9, zikr-i paidāwār arāzī shāmīlāt paṭṭī yā gānw wa nīz aṭrāfī kamīnoṅ kā. Jo paidāwār qism ghās yā phal-i darakhtān arāzī shāmīlāt paṭṭī se hāshil hogā us par ikhtiyār tamām khewaṭdārān us paṭṭī kā hogā kī jis kī wuh arāzī shāmīlāt hai aur us ko khewaṭdārān-i paṭṭī ḥasb-i ḥiṣaṣ āpas meṅ taqṣīm kar leṅge. Aur jo arāzī shāmīlāt dīh se hogā us ko lambardārān ba-ṣalāḥ ḥiṣṣadārān ke wuṣūl kar-ke dūkān Rām Kiran qaum sūd sākin dīh par jama' karā-ke kharch-i malba meṅ mujrā leṅge. Aur taqṣīm us arāzī shāmīlāt kī jo wāṣṭe charāṭ muwaishī yā wāṣṭe aur nafa'-i 'amm gānw ke shāmīl rakhī gaṭ hai ḥasb-i darkhwāst ek do khewaṭdār ke bilā marzī tamām khewaṭdārān ke nahīn ho sakṭī, magar taqṣīm us arāzī shāmīlāt kī jo kisī asāmī mafrūr kī gānw meṅ howe ba-mūjib kahne ek do khewaṭdār ke ho sakṭī hai. Aur ghar kamīnān se ḥasb-i dastūr qadīm sāl-tamām meṅ zar-i aṭrāfī ḥasb-i taṣṣīl-i zail wuṣūl kar-ke kharch-i malba ḍālte raheṅge: ḥajjām fī ghar 8 ānā, dhobī fī ghar 8 ānā, lohār-takhān fī ghar 8 ānā, khatrī fī dūkān 8 ānā, sūnār fī ghar 8 ānā, jāṭ siwā'e khetī kunanda 8 ānā. Aur shora is gānw meṅ paida nahīn hotā.

Daf'a 10, zikr-i muzārī'ān maurūṣī. Is gānw meṅ jo musammayān PA pīsar PB ba-milkīyat-i shāmīlāt paṭṭī A wa paṭṭī B wa QA walad QB ba-milkīyat-i shāmīlāt dīh muzārī'ān maurūṣī haiṅ wuh mu'āmila sarkār ḥasb-i parta mālikān adā karte haiṅ. Aur jo zamīn pās muzārī'a maurūṣī ke hai chhorāne us ke kā, ba-sharṭ is ke kī muzārī'a maurūṣī adā'e parta muqarrarī kā bābat kāsht apnī ke kartā rahe aur nīz bīch taraddud kame arāzī kāsht apnī ke kuchh ghaṣlat aur quṣūr na kare, ham ko ikhtiyār nahīn hai. Agar wuh khud zamīn ko chhor degā to mālik arāzī kā us par ikhtiyār hogā. Aur muzārī'a maurūṣī ko ikhtiyār bai' yā rahn-i zamīn aur nīz kū'ā lagāne kā bidūn marzī mālik ke nahīn hai. Aur kuchh zamīn-i charāṇd wāṣṭe charāṭ muwaishī muzārī'a maurūṣī ke 'alāḥida dī nahīn jāṭī, muwaishī us kī shāmīl muwaishī gānw ke charte raheṅge. Aur darakht lagāne kā andar khet aur mainḍ andarūnī khet par aur nīz taṣarruf kame us ke kā kār-i zir'at waḥaira meṅ muzārī'a ko ikhtiyār hai. Aur jo darakht mainḍ berūnī khet-i muzārī'a par hogā us par ikhtiyār mālik kā hai muzārī'a kā nahīn.

Daf'a 11, zikr-i muzārī'ān ghair maurūṣī. Is gānw meṅ jis qadr muzārī'ān ghair maurūṣī mundarij-i kḥasra wa khataunī haiṅ min-jumla un ke bābat-i

should be deducted from the village expenses. No proprietor has the authority to plant a new tree on common land. If a tree grows by itself on such land all the proprietors become its owners. A tree that grows on a ridge of earth separating fields of two different owners is considered according to the way water distributes itself: the tree belongs to that person into whose field the water runs off underneath; and if a tree is so placed that water runs off under the tree into both fields then it belongs to both owners in partnership.

Section 9, concerning the produce of common land of a section or of the village and also the tax on village servants. The combined revenue-paying proprietors of a section have the authority to collect any produce from the common land of their section like grass or the fruit of trees, which they will divide up amongst themselves according to their shares. In consultation with the shareholders, any produce from village common land is gathered by the headmen at the store of Ram Kiran Sud, resident of the village, and deducted from the village expenses. Common land which is used for grazing cattle or for other common benefits of the village may only be partitioned with the approval of all the proprietors, not on the application of just one or two. But common land that has been abandoned by a tenant may be partitioned on the word of one of two proprietors. According to ancient custom a trade tax is levied every year from the houses of village servants and deposited in the village expense account, the details of which are as follows: barber 8 ānās per house, washerman 8 ānās per house, blacksmith and carpenter 8 ānās per house, Khatri 8 ānās per shop, goldsmith 8 ānās per house, Jat (apart from those engaged in agriculture) 8 ānās per house. No saltpetre [potassium nitrate] is produced in this village.

Clause 10, concerning occupancy tenants. In this village PA son of PB is an occupancy tenant on land common to sections A and B and QA son of QB is an occupancy tenant on common land of the village. Both pay government revenue at the proprietors' rate. So long as an occupancy tenant continues to pay at the prescribed rate regarding his cultivation and there is no negligence or failure in his cultivating the land, we do not have the right to evict him. If he leaves the land of his own accord the owner of the land will have rights over it. Without the agreement of the land-owner an occupancy tenant does not have the right to sell or mortgage land nor to sink a well. No land is set aside for the grazing of an occupancy tenant's cattle; they graze with the other cattle of the village. An occupancy tenant does have the right to plant trees inside his field or on an internal border, and also to make use of them in agriculture etc., but any tree on an external border belongs to the land-owner, not the tenant.

Clause 11, concerning tenants-at-will. Of those tenants-at-will in the village who are given in the field register and register of cultivation, whatever R and so on [who in fact are the headmen of sections A and B] produce, from cultivating as tenants land joint to sections A and B, is given on behalf of the land-owners to the barber SA son of SB free of charge; the

arāzī kāsht R waghaira muzārī'a shāmilāt paṭṭī A wa paṭṭī B maḥṣūl zamīn-i kāsht us kī kā min-jānib mālikān-i zamīn SA walad SB hajjām ko mu'āf hai mu'āmila us zamīn kā mālikān apne pās se adā karte hai. Aur musammayān TA pīsar TB muzārī'a shāmilāt paṭṭī D wa shāmilāt paṭṭī F wa shāmilāt dīh wa UA walad UB wa VA walad VB muzārī'a shāmilāt dīh ne zamīn kāsht apnī apnī kī chhoṛ dī ki ab wuh zamīn uftāda hai. Aur min-jumla mā-baqiy muzārī'ān ke WA waghaira walad WB se baṭāṭ tihāra bilā kharch aur zabṭī fī bīghā pukhta ba-sharḥ-i zail: tamākū 1½ rūpaya, pyāz 11 ānā; aur LA walad IB wa JA walad JB wa KA walad KB wa LA waghaira walad LB se shīf baṭāṭ tihāra aur MA waghaira walad MB se baṭāṭ panj-dū bilā kharch lī jāī hai. Aur musammayān NA waghaira walad NB wa PPA pīsar PPB wa QQA waghaira pīsarān QQB mu'āmila sarkār ḥasb-i parta mālikān adā karte hai. Aur āyanda jo koṭ muzārī'a kīst mālik kī zamīn kāsht karegā to us se jo sharḥ lene baṭāṭ yā mu'āmila kī, waqt dene zamīn ke, fī-mā-bain mālik aur muzārī'a ke qarār pāwegā lī jāwegī. Aur sharḥ lene baṭāṭ yā mu'āmila kī mahīne asārḥ meṅ qabl shurū' ayyām-i zir'at ke muqarrar kī jāwegī. Aur jo zamīn pās muzārī'a ghair maurūṣī ke hai chhoṛāne us ke kā ham ko ikhtiyār hai ba-sharḥ-ki ham us ko qabl mahīne asārḥ se iṭtilā' chhoṛāne zamīn kī deṅ. Aur muzārī'a ghair maurūṣī ko zamīn-i charānd wāṣṭe charāṭ muwaishī ke 'alāḥida dī nahīn jāwegī, muwaishī us kī shāmil muwaishī gānw ke charte raheṅge. Aur darakht khet yā maind-i khet par wuh lagā nahīn saktā, agar az khud lag jāwe to us par mālik-i khet kā ikhtiyār hai muzārī'a kā nahīn.

Daf'a 12, zikr-i muzārī'ān pāhīkāsh. Is gānw meṅ koṭ muzārī'a pāhīkāsh nahīn hai.

Daf'a 13, zikr-i kāsht arāzī mu'āfī. Is gānw meṅ chār qīṭa'a mu'āfī ke wāqī' hai, ek mausūma RRA waghaira walad RRB, dūsrā mausūma SSA waghaira walad SSB, tīsra mausūma TTA chela TTB waghaira, chauthā mausūma UUA walad UUB, so min-jumla chārōn qīṭa'a mu'āfī ke qīṭa'a SSA waghaira ko VVA walad VVB ba-sharḥ-i baṭāṭ tihāra bilā kharch kāsht kartā hai aur mā-baqiy qīṭa'at khudkāsht mu'āfīdārān ke hai. Aur bāqī jo sharḥ nisbat-i muzārī'ān ghair maurūṣī mundarij-i daf'a 11 huṭ wuh sharḥ wāṣṭe muzārī'a mu'āfī ke muqarrar hai.

Daf'a 14, zikr-i bai' wa rahn arāzī milkīyat khewaṭdārān. Jo koṭ lambardār yā khewaṭdār apne ḥiṣṣa ko bai' yā wāṣṭe dawām ke intiqāl karne kā irāda rakhe to awwal hāth khewaṭdārān apnī paṭṭī yā kull gānw ke intiqāl kare, aur ba-nisbat qīmat ke jo āpas meṅ bilā fasād qīmat qarār pāwe to bihtar, nahīn to ḥākim-i waqt kī nū-ba-nū'e ba-madad wuhī [?do-hī] munṣifān ke qīmat wājibī muqarrar kī jāwegī. Agar qīmat mazkūr par khewaṭdārān paṭṭī yā kull gānw ke khārīdne se inkār karen to bā'ī ko ikhtiyār hai jis ke hāth chāhe us ke hāth beche. Aur dar-ṣūrat-ki koṭ khewaṭdār apne

revenue for this land is paid by the owners themselves. TA son of TB has left his cultivation on common land of section D, common land of section F and common land of the village; and UA sons of UB and VA son of VB have left their cultivation on the village commons; this land is now uncultivated. Of the remaining tenants, WA etc. son of WB gives a third of his crop as rent, without expenses, and on cash crops pays at the following rates per full bīghā: one rupee 6 ānās for tobacco, 11 ānās for onions; from IA son of IB, JA son of JB, KA son of KB and LA etc. son of LB only one-third of the crop is taken, and from MA etc. son of MB two-fifths, without expenses. NA etc. son of NB, PPA son of PPB and QQA etc. sons of QQB pay government revenue at the proprietors' rate. In the future when a tenant cultivates a proprietor's land, rent will be taken according to whatever is agreed between the land-owner and the tenant at the time the land is taken on, in revenue or by a division of the crop. The rate of payment in kind or in cash must be fixed in the month of asārḥ [June/July, the first month of the rains in north-west India] before the beginning of the agricultural season. Provided we give a tenant-at-will notice before the month of asārḥ we have the right to evict him from the land. A tenant-at-will does not have land set aside for the grazing of his cattle, which graze with the other cattle of the village. Nor may he plant a tree in his field or on the field's borders; if a tree grows up by itself the owner of the field has rights over it, not the tenant.

Clause 12, concerning non-resident tenants. There is no non-resident tenant [pāhīkāsh, a special category of tenant] in this village.

Clause 13, concerning the cultivation of revenue-free land. There are four plots in this village which are revenue-free, one in the name of RRA etc. son of RRB, the second in the name of SSA etc. son of SSB, the third in the name of TTA disciple of TTB etc. and the fourth in the name of UUA son of UUB. Of these four, SSA's plot is cultivated by VVA son of VVB paying rent of one-third of the crop, without expenses, while the other plots are cultivated by the revenue-free holders themselves. Otherwise whatever conditions are given in clause 11 regarding tenants-at-will apply also to a tenant on revenue-free land.

Clause 14, concerning the sale and mortgage of land belonging to revenue-paying proprietors. When a headman or revenue-paying proprietor expresses the desire to sell or permanently alienate his share then the proprietors of his section or of the whole village have first option regarding the alienation, and if a price can be agreed upon between themselves without trouble, well and good, otherwise a suitable price must be fixed with the help of arbitrators in the presence of the ruling power. If the proprietors of the section or of the village refuse to buy at this price, then the vendor has the right to sell to whomever he likes. In the case of a proprietor wanting to mortgage or alienate his share for a certain fixed period, he can do so to whomever he wants provided the period of alienation is stipulated. In the execution of a court decree, if a proprietor's



hiṣṣa ko rahn yā kiṣī tarḥ intiqāl kamā ba-taqarrar mī'ād mu'aiyana ke inḍa rakhe to us ko ikhtiyār hai ki jis ko chāhe us ke hāth intiqāl kare magar is ṣūrat meṁ mī'ād-i intiqāl muqarrar kamā wājib hai. Aur dar-ṣūrat-ki ba-ta'mīl-i digrī 'adālat kull gānw yā kiṣī khewaṭdār kā hiṣṣa nīlām kiya jāwegā to qīmat usī tarḥ par muqarrar kī jāwegī. Aur dar-ṣūrat-ki koṭī murtahin ba-muqaddama fakḥ-ul-rahn ke da'wā milkīyat-i kull arāzī marhūna kā pesh karegā to hiṣṣadār-i rāhin ko ikhtiyār hogā hiṣṣa rāhin ko kharīdnā ba-sharṭ adā'e zar-i qīmat murtahin ko bābat kiṣī kharch ke jo murtahin ne arāzī marhūna meṁ ṣarf kiya ho. Aur dar-ṣūrat-ki koṭī 'aurat bewa qābiẓa haqqīyat shohar khud apnī haqqīyat kiṣī wajah se dūsrē ke hāth bai' yā hiba kamā chāhe to us ko ikhtiyār nahīn hai, magar us hālāt meṁ ikhtiyār hai ki aqrabā'-i shohar us ke zimmadār khur-o-posh wa adā'e qarẓa waḡhaira zimmagī bewa kī maujūd na hoṁ. Aur jo koṭī khewaṭdār kiṣī 'aurat ko kar lewe aur larkā pichhlag hamrāh apnī wāliḍa ke āwe to pichhlag kā istihqāq nisbat-i khāwind-i hāl apnī wāliḍa nahīn pahūnchtā, jo aulād khāwind-i hāl se hoṁge wuh apne bāp kī haqqīyat ke mālīk hoṁge aur pichhlag kā istihqāq aur da'wā nisbat-i haqqīyat aṣlī bāp apne kī hogā. Aur agar khāwind-i yak-jaddī aur nazdīkī shohar-i hāl wāliḍa pichhlag ke mālīk hoṁge. Aur jis kiṣī khewaṭdār ke do 'aurat hoṁ aur ek 'aurat se aulād ziyāda aur dūsrī se kam to hiṣṣa har do aulād ke nisfā-nisf chūṇḍa-bāṇṭ kī rū se hogā.

Tatīmma ba-mūjib-i robkār 15 November 1856: Aur jis ke ghar meṁ do 'aurat hoṁ aur har do se aulād ho wuh shakhṣ jo jā'edād apnī jis tarḥ taqṣīm bāham-i pisarān apne ba-raẓāmandī sab ke taqṣīm kar de wuh mu'tabar samjhī jāwegī, ba'd wafāt us ke taqṣīm-i jā'edād-i matrūka bilā taqṣīm kā 'amal ba-mūjib-i chūṇḍa-bāṇṭ hogā, faqat.

Daf'a 15, zikr-i dākhil-khārij-i lambardārān wa zikr-i haqq lambardārī wa kām-i zimmagī un kī. Jo is gānw meṁ musammayān AA walad AB wa BA walad BB wa CA walad CB wa DA walad DB wa EA walad EB wa FA walad FB qaum jāṭ musalmān ba-mūjib robkār 'alāḥida mu'arrakha 12 June 1853 'Tswī lambardār muqarrar hu'e haiṁ, agar un meṁ se koṭī lambardār mar jāwegā to awwal baḍā beṭā us kā mustahiqq lambardārī kā hogā, aur jo baḍā beṭā liyāqat lambardārī kī na rakhtā ho to chhoṭā beṭā ba-sharṭ-i liyāqat lambardār hogā wama bhāṭī haqīqī lambardār-i mutawaffā kā hogā. Agar koṭī bhāṭī haqīqī bhī us ke na ho to ba-mūjib-i sab khewaṭdārān bā-kaṣrat ra'y hiṣṣadārān ke ba-sharṭ-i pasandīdagī ḥākim-i waqt lambardār muqarrar hogā. Aur jo koṭī lambardār apnī haqqīyat kiṣī dūsrē ke hāth bai' yā rahn kar-ke darḥwāst ikhrāj-i nām apne kī lambardārī se aur idkhāl-i nām-i muntaqil ilaihi kī kare to ḥasb-i khwāhish us kī muntaqil ilaihi lambardār nahīn hogā, kaṣrat ra'y shurakāyān se ba-sharṭ-i liyāqat lambardār hogā. Aur har ek lambardār ko hiṣṣa zar-i pachotra kā ya'nī fī ṣadī pānch rūpaya jama'-i

share or the whole village comes to auction then a price should be fixed in the same way. When a mortgage is to be redeemed, if the mortgagee presents a claim for the ownership of all the land that was mortgaged, then a shareholder of the person who mortgaged the land has the right to buy the latter's share, on condition that he repay the mortgagee the cost of any expenses incurred on the mortgaged land. In the case of a widow who is in possession of her husband's rights, she has no authority if for some reason she wants to sell or give away those rights to another person; only if no kinsmen of her husband exist to take responsibility for her welfare and for discharging any debts etc., does she have this authority. Where a proprietor takes the hand of a lady who brings with her a son by a previous husband, this stepson acquires no rights from his mother's new husband; children of the new husband acquire the rights of their father while the stepson has a legal interest and claim to his own father's rights. Even if the new husband has no children his rights do not pass to his stepson but to his proximate agnatic heirs. For a proprietor with two wives, one of whom has more children than the other, each set of children takes an equal share in the manner of 'division by bun' [chūṇḍa-bāṇṭ, as opposed to pag-bāṇṭ 'division by turban'].

Addendum according to official proceeding of 15 November 1856: Where a man has two wives in his household and each has children he may divide up his assets amongst his sons, with everyone's agreement, in any way he likes and this will be considered binding; after his death any undivided assets in his estate will be divided on the principle of 'division by bun'.

**Clause 15, concerning changes of headmen and a headman's rights and responsibilities.** In accordance with a separate proceeding dated 12 June 1853, AA son of AB, BA son of BB, CA son of CB, DA son of DB, EA son of EB and FA son of FB, Muslim Jats, have been appointed headmen in this village. When one of them dies his oldest son will have the first right to the headmanship, but if he is incompetent a younger son will become headman, provided he too is competent, failing whom a full brother of the deceased headman will become the new headman. If there is no full brother either then a headman may be appointed in agreement with all the proprietors after taking account the wishes of the majority of shareholders, subject to the approval of the ruling power. If a headman sells or mortgages his rights and then makes an application to change the headmanship from his own name to that of the transferee, the latter will not become headman simply because the former headman wants it but must meet with the approval of the majority of shareholders and prove himself competent. Each headman receives a share of the headmen's dues (5% of the government revenue), as detailed in a separate paper attached to the Settlement record. The heirs of a headman who dies are not entitled to the deceased headman's dues; these should pass entirely to the new headman who is appointed in his place. Headmen have a responsibility to discharge their work in accordance with government regulations.

sarkār par milegā ki tafsīl us kī 'alāhida kāghaz par shāmil miṣl-i bandobast ke hai. Aur jo lambardār mar jāwegā wāriṣān us ke mustahiqq pāwane haqq-i pachotra yāstānī mutawaffā ke na hoṅge, jo lambardār-i jadīd 'iwaz us ke muqarrar hogā kull ḥisṣa pachotra yāstānī mutawaffā kā pāwegā. Aur lambardārān kī zimma hai ki kām muta'alliqa apnā ḥasb-i qawānīn-i sarkār anjām den.

**Daf'a 16, zikr-i chaukīdāra.** Jo ki is gānw meṁ musammā WWA walad WWB qaum jāṭ musalmān ba-mūjib-i tajwīz miṣl chaukīdārī ba-ujrat 36 rūpaya sāl ek chaukīdār muqarrar hu'ā hai, so zar-i ujrat us kā ma'rīfat IIA pīsar IIB wa JJA walad JJB panchān ke sāl-ba-sāl niṣf faṣl rabī' aur niṣf faṣl kharīf meṁ adā karte raheṅge. Aur jo koṭī panch kām apne meṁ ya'nī wuṣūl karāne zar-i chaukīdāra meṁ quṣūr yā ghaṭlat karegā yā mar jāwegā to az-sar-i-nau 'iwaz us ke dūsrā panch muqarrar kareṅge. Aur jo koṭī ghar khālī yā ābād ho jāwegā to ba-iltifāq panch ke [zar-i chaukīdāra] bābat us ghar ke tafīq kar-ke adā karte raheṅge.

**Daf'a 17, zikr-i charātī muwaishī.** Is gānw meṁ dastūr lene charātī muwaishī waghaira kā kiṣī se nahīn hai.

**Daf'a 18, zikr-i gānw kharch.** Gānw kharch kā hamāre gānw meṁ yih dastūr jāri rahegā ki jo gānw kharch hogā dūkān Rām Kiran qaum sūd sākin dīh se ma'rīfat lambardārān ke ṣarf hotā rahegā, aur ḥisāb us kā hangām-i kharch paṭwārī ko likhāte raheṅge. Aur akhīr-i faṣl meṁ ya'nī qīṣṭ July meṁ bābat faṣl rabī' aur qīṣṭ February meṁ bābat faṣl kharīf bi-l-mushāfaha sab khewaṭdārān ke ḥisāb ho-kar asāmiyān se tafīq ho-kar adā hotā rahegā. Chunānchi paṭwārī kī zimma hai ki donoṁ faṣl meṁ tā akhīr-i July bābat faṣl rabī' aur qīṣṭ February meṁ bābat faṣl kharīf naqsha ba-maddāt-i zail bābat kull gānw ke ba'd samjhāwane sab khewaṭdārān aur karāne muhr sab lambardārān ke kachahrī-taḥṣīl meṁ dākhīl kare tā-ki 'uzardārān 'uzar apnā fī-l-faur pesh karen. Aur sharḥ-i kharch bābat malba ke zā'id fī ṣadī 3\8 rūpaya se nahīn hogī. Aur agar kiṣī sāl meṁ ba-bā'is ziyāda āmad-o-raft musāfirān yā hone shādī yā kiṣī aur wajah se jo ziyāda kharch kamā zurūrat paregā to ham lambardārān ko chāhiye ki ṣāhib-i zila' ke pās ḥāzīr ho-kar kāghaz-i sāda par darkhwaṣṭ ṣarf kame zar īzādī maṭlūba kī karen ki ṣāhib-i zila' ba'd samā'at 'uzarāt ke jo pesh āwen hukm manzūrī yā nā manzūrī kā ṣādir farmāweṅge. Aur aīsī 'arṣī ham lambardārān qabl māh August yā māh March ke guzarāneṅge.

jama'-kharch malba gānw:

jama':

āmdanī shāmilāt dīh bābat mazrū'a

āmdanī paidāwār jangal waghaira

atrāfi

mizān

**Clause 16, concerning the watchman's tax.** In accordance with the authorization contained in the file related to watchmen, WWA son of WWB, a Muslim Jat, has been appointed watchman in this village on an annual salary of 36 rupees; and we shall continue to pay this amount every year, half at the spring harvest and half at the autumn harvest, through the medium of the two village leaders [panch] IIA son of IIB and JJA son of JJB [who in fact are both father's brother's sons of headmen, FA and AA respectively]. If one of the village leaders dies or is negligent and fails to do his job, in other words to collect the watchman's tax, a new leader must be appointed afresh. When a house becomes either empty or inhabited we shall adjust the watchman's tax in regard to that house with the village leaders' concurrence.

**Clause 17, concerning a tax for grazing cattle.** In this village there is no custom of collecting from anyone a tax for grazing cattle.

**Clause 18, concerning village expenses.** The custom in our village regarding village expenses is as follows. Any expenses will be disbursed through the headmen at the store of Ram Kiran Sud, a resident of this village, and we shall make the paṭwārī write an account at the time the expenditure occurs. At the end of each harvest, i.e. at the July instalment for the spring harvest and at the February instalment for the autumn harvest, the account will be audited orally by all the proprietors, apportioned to individuals and then paid. Accordingly at both harvests the paṭwārī has the responsibility to explain to all the proprietors a statement concerning the whole village, under the following headings, and then, after obtaining the headmen's seals, to deposit the statement in the taḥṣīl offices by the end of July in regard to the spring harvest and at the February instalment regarding the autumn harvest, in order that those who have a complaint may file their complaint immediately. The village expenses must not exceed a proportionate expenditure of 3½ per cent. If in any year extra expense becomes necessary because of more travellers coming and going or more weddings or for some other reason, we headmen should go to the district officer and make an application on plain paper for the additional amount required, in order that the district officer may pass an order of approval or non-approval, after hearing any complaints that are presented. We headmen should make such a petition before the months of August or March.

income and expenditure of the village expense account:

income:

income from cultivated village commons

income from jungle produce etc.

trade tax

total

expenditure:

provisions for headmen travelling on government business

daily allowance of peons etc. concerning the whole village



kharch:

*kharch khurāk lambardārān āyand-rawand ba-kār-i sarkār*  
*ṭalbāna kull gānw*  
*jurmāna kull gānw*  
*kharch harkāra*  
*khairāt pūjā*  
*sā'ir kharch-i paṭwārī*  
*qīmat kāghaz 'arṣī jo kisī nīlām-i gānw meṇ denī ho*  
*mīzān*

*zar-i fāzil*

*zar-i bāqī*

*Jab zar-i fāzil rahegā khewaṭdārān par ḥasb-i ḥiṣaṣ taqṣīm kiyā jāwegā, aur jo bāqī rahegā khewaṭdārān se bāchh ho-kar wuṣūl hogā. Aur ṭalbāna is naqsha meṇ wuh mundarij hogā jo wāṣṭe kull khewaṭdārān gānw ke hogā, aur jo khāṣṣ kisī bāqīdār ke wāṣṭe hogā to usī bāqīdār kī ṣimma hai, lambardārān us bāqīdār se wuṣūl karenge, ṣimma khewaṭdārān gānw ke na hogā.*

*Daf'a 19, zikr-i paṭwārī. Jo is gānw meṇ musammā Rām Lāl walad Dasondhī qaum baqqāl sākin Lūdhiyāna dūkandār Hawās [L-59] paṭwārī muqarrar hu'ā hai, ujrāt paṭwārgirī us kī ba-ḥisāb fī rūpaya nīm ānā zar-i sarkār par, ki taṣṭīl us kī asāmīwār mundarij-i naqsha khewaṭ hai, paṭwārī ko dete rahenge. Aur jumla kām paṭwārgirī kā ma'rīfat us ke lete rahenge.*

*Daf'a 20, zikr-i khād-kūrī. Khād-kūrī kā hamāre gānw meṇ yih dastūr hai ki jo khād-kūrī kisī khewaṭdār kī hai wuh khud mālīk hai aur jo khād-kūrī kisī kamīn waghaira kī hai us ko khewaṭdārān-i dīh ḥasb-i ḥiṣaṣ āpas meṇ taqṣīm kar lete haiṇ. Aur jo kamīn khāṣṣ kisī khewaṭdār ke ra'āyā hai yā us ke ihāṭa munqasama meṇ ābād hai to us kī khād-kūrī kā wuhī khewaṭdār mālīk hai jis ke wuh kamīn ra'āyā hai.*

*Daf'a 21, zikr-i begāriyān. Jo ki qaum chamār qadīm se wāṣṭe kār-i begār ke is gānw meṇ muqarrar hai ham un ko 150 man ḡhalla khām bi-'l-muqṭa' ba-sāl-tamām nisf faṣl rabī' aur nisf faṣl kharīf meṇ diyā karte haiṇ, aur 'alāwa us ke ek bharī jins-i burīda kī fī chamār jo zir'at kāṭne jāwe fī yaum faṣleṇ meṇ un ko milī hai. Aur un se ek sānta wāṣṭe hānkne bailorī ke aur ek nārka lete haiṇ, aur murammat-i juṣṭ pā'e-posh shikasta, aur marhnā salhang aur tanglī aur būr kā, aur pahūnchā denā bojh ke, aur kār-i bulāharī wa khidmat pahra chaukī ahlīkārān-i sarkār jo ba-kār-i sarkār is gānw meṇ āweṇ un kī ṣimma hai. Aur jo wuh log ba-kār-i shādī larkā yā larkī īndhan jama' kar-ke bhāṭī par dālṭeṇ aur ghar lipēṇ aur ḡhalla ba-qadr-i muṣarrāf-i shādī pīseṇ, aur do jūra pā'e-posh bānātī wāṣṭe dūlhā-dūlhan ke deweṇ, aur peṭāra asbāb kā hamrāh bārāt ke le jāweṇ, to ek rūpaya naqd pāte haiṇ aur bi-'l-iwaz uḥāne peṭāra ke asbāb jo kuchh ṭaraf ṣānī se mil jāwe wuh us kā hai. Aur lipne-wāle ba-roz-i lipātī aur pīsne-wāle ba-roz-i pīsātī roṭiyān yā ḡhalla ba-*

fines on the whole village  
 expenses of messengers  
 the paṭwārī's contingent expenses  
 the cost of official paper at an auction of the village  
 total

amount in credit

amount outstanding

Any credit will be divided up amongst the revenue-paying proprietors according to their shares while any amount outstanding will be apportioned and collected from the proprietors. A demand for daily allowance will be entered in this statement only if it relates to the whole village; a demand relating to a particular person in arrears is his own responsibility, not that of the proprietors of the village, and the headmen must collect it from the person concerned.

**Clause 19, concerning the paṭwārī.** Ram Lal son of Dasondhi, a tradesman by caste, resident of Ludhiana and shopkeeper in Hawas [L-59], has been appointed paṭwārī for this village. We shall be paying the paṭwārī his salary at the rate of half an ānā per rupee [i.e. 3.125%] of the government revenue, the details of which are given against each name in the register of proprietary holdings. All the work of village accountancy we shall cause to be done through him.

**Clause 20, concerning night-soil and manure.** The custom in our village concerning manure is that the manure of a proprietor belongs to him alone while the manure of village servants and so on is divided amongst the proprietors of the village according to their shares. Where a village servant is the dependant of a particular proprietor or lives in his divided compound, his manure belongs to that particular proprietor whose dependant he is.

**Clause 21, concerning unspecialized labourers [begārīs].** In so far as the caste of Chamar has been established of old in this village to perform general labour [begār], we give them 150 ordinary man of grain a year in a lump sum, half at the spring harvest and half at the autumn harvest; and apart from this every Chamar who goes and cuts the crop during harvest receives a load of harvested grain per day. They provide us with whips for goading bullocks and leather tubes for dropping seed behind ploughs; and they are responsible for repairing old pairs of shoes, for the binding on pitchforks, nets and [other agricultural implements], for transporting loads, for carrying messages and for guard duty when an officer comes to the village on government business. Those who assist in preparations for a boy or girl's wedding receive one rupee in cash, [preparations such as] gathering firewood and stoking the fire, plastering the house, grinding however much grain is to be used at the wedding, providing two pairs of woollen shoes for the bride and groom, and transporting the basket of goods along with the wedding party; whatever they receive from the other side for lifting the goods from the basket is their's to keep, and those who do the plastering or the grinding are given bread or enough grain for a meal each day they work.

qadr-i khāne ke pāte haiñ. Aur ek din shādī meñ sāre ghar ke ādmī chamār ke jis ke krishān ke ghar shādī ho khānā pāte haiñ. Aur jo lambardār yā khewaṭdār apne ghar kā kām karāwe to khāne ko degā. Aur jo panchāyat kiś jagah jāwe to ek begārī hamrāh jāwegā aur khānā pāwegā. Aur jo muwaishī mar jāwe to post wuh begārī pāte haiñ, aur jo darakht kīkar kā kāṭen to kas us kā pāte haiñ.

Daf'a 22, zikr-i chāh jadīd. Bi-'l-fi'l is gāñw meñ ek chāh pukhta wāqī hai aur tafriq-i jama' is gāñw kī ūpar parta fī bighā pukhta ḥasb-i taḥrīr-i daf'a 6 'amal meñ āī, to jis qadr chāh jadīd andar mī'ād-i bandobast ke is gāñw meñ jis paṭṭī ke andar ban jāweñge khewaṭdārān us paṭṭī ko parta chāhī wāṣṭe adā'e jama'-i sarkār ke denā nahīn paregā kyūñki jama'-i sarkār tā akhīr-i mī'ād-i bandobast barhegī nahīn. To jis sūrat kī zamīn par wuh jama'-i bandobast kī tajwīz hu'ī jo khewaṭdār us sūrat kī afzūnī ke wāṣṭe apnī zamīn meñ ba-ṣarf-i zar apne kū'ā lagāwe yā ko'ī aur sūrat bihbūdī kī kare to akhīr-i mī'ād-i bandobast tak wuh mustahiqq taṣarruf karne zar-i manāfi' az kharch kiye hu'e apne se hai.

marqūm 14 October 1853 'Tswī.

al-'abd, murattab kiya: Naṣīb 'Alī muḥarrir-i wājib-ul-'arḥ

gawāh shud: Muḥammad Ḥasan Khān qānūngo-i maḥal

gawāh shud: Rām La'l paṭwārī

al-'abd: [dastkhatt yā muhr 89 khewaṭdārān ke]

Sab lambardārān wa khewaṭdārān wa ḥiṣṣadārān is gāñw ke jin ke nām ūpar likhe ga'e ḥāzīr ho-kar paṭwārī ke muwājaha meñ yih wājib-ul-'arḥ likhāyā aur ba'd sunne aur samajhne mazmūn-i har ek daf'a is wājib-ul-'arḥ ke dastkhatt wa muhr apne apne ṣabt kiye. Aur musammayān X1A walad X1B Māngat [L-64] gayā hai; wa X2A walad X2B aur X3A walad X3B wa X4A walad X4B Lūdhīyāna meñ naukār haiñ; wa musammāt X5A zauja X5B wa musammāt X6A zauja X6B wa musammāt X7A zauja X7B wa musammāt X8A zauja X8B parda-nishīn haiñ; wa X9A pīsar X9B wa Y1A pīsar Y1B wa Y2A pīsar Y2B bīmār haiñ; wa Y3A pīsar Y3B wa Y4A wa Y4B pīsarān Y4C wa Y5A wa Y5B pīsarān Y5C wa Y6A pīsar Y6B wa Y7A pīsar Y7B wa Y8A pīsar Y8B wa Y9A wa Y9B pīsarān Y9C wa Z1A wa Z1B pīsarān Z1C wa Z2A pīsar Z2B nābāligh haiñ; wa nīz Z3A pīsar Z3B bīmār hai; wa Z4A pīsar Z4B wa Z5A wa Z5B wa Z5C pīsarān Z5D wa Z6A wa Z6B wa Z6C pīsarān Z6D wa Z7A wa Z7B wa Z7C pīsarān Z7D wa Z8A wa Z8B pīsarān Z8C wa Z9A walad Z9B wa W1A walad W1B wa W2A pīsar W2B wa W3A walad W3B wa W4A wa W4B pīsarān W4C wa W5A wa W5B pīsarān W5C wa W6A walad W6B wa W7A pīsar W7B wa W8A wa W8B pīsarān W8C daryā-pār wagḥaira dīhāt ko apne kām ga'e haiñ; wa W9A walad W9B wa V1A walad V1B wa V2A walad V2B naukārī karte haiñ; wa V3A pīsar V3B

One day during the wedding, at the house of the farmer for whom a Chamar works where the wedding takes place, the whole household of the Chamar is fed. Any headman or proprietor who has his housework done for him has to provide food. Whenever the village council [panchāyat] goes to some place, one begārī will accompany it, and will be given food. And when a cow or bullock dies the begārīs take the hide; they also take the bark of any kīkar tree which is cut down.

Clause 22, concerning new wells. At the moment there is no brick-lined well in the village. The revenue-demand is distributed within the village on a rate per full bighā, as described in clause 6. Because the government revenue will not be increased until the end of the term of Settlement, the proprietors of any section of the village in which a new well is sunk within the period of Settlement will not have to pay at the rate for irrigated soil in order to make up the government revenue. Thus if a proprietor wants to improve the condition of his land beyond how it was classified at the Settlement, by spending his money on sinking a well or on some other form of improvement to the land, he will be entitled to whatever profits he can make from his expenditure until the term of the Settlement expires.

Dated 14 October 1853.

Prepared by (signature): Naṣīb 'Alī, clerk of wājib-ul-'arḥ

Witness: Muḥammad Ḥasan Khān, local qānūngo

Witness: Rām La'l, paṭwārī

Signature or seal of 89 revenue-paying proprietors

[Attestation:] All the headmen, revenue-paying proprietors and shareholders of this village whose names are written above presented themselves and in the presence of the paṭwārī caused this wājib-ul-'arḥ to be written. After listening to and understanding the contents of each clause in this wājib-ul-'arḥ they affixed their seals and signatures. [Regarding the others] X1A son of X1B has gone to Mangat [L-64] and X2A, X3A and X4A [sons of ...] are employed in Ludhiana; X5A, X6A, X7A and X8A [wives of ...] are veiled; X9A, Y1A and Y2A [sons of ...] are ill; Y3A, Y4A and Y4B, Y5A and Y5B, Y6A, Y7A, Y8A, Y9A and Y9B, Z1A and Z1B, and Z2A [sons of ...] are minors; Z3A son of Z3B also is ill; Z4A, Z5A, Z5B and Z5C, Z6A, Z6B and Z6C, Z7A, Z7B and Z7C, Z8A and Z8B, Z9A, W1A, W2A, W3A, W4A and W4B, W5A and W5B, W6A, W7A, and W8A and W8B [sons of ...] have gone about their business in villages across the river etc.; W9A, V1A and V2A [sons of ...] are in service; V3A son of V3B is infirm; V4A son of V4B has died issueless; and V5A son of V5B has gone to Buthgarh [L-48]; for these reasons they have not presented themselves and have not affixed their signatures to this wājib-ul-'arḥ.

Dated 14 October 1853

Signed: Qubul Singh, head clerk for the khewaṭ [register of proprietary holdings] and the wājib-ul-'arḥ.



za'if hai; wa V4A walad V4B lā-walad mar gayā; wa V5A walad V5B Būtgār [L-48] gayā hai; is wāste hāzīr nahīn ā'e ki dastkhatt un ke is wājib-ul-'arz par sabt nahīn hu'e.

marqūm 14 October 1853

al-'abd: Qubūl Singh munṣarim-i khewaṭ wa wājib-ul-'arz

Aj yih wājib-ul-'arz mursala Qubūl Singh munṣarim bi-'l-'abd us ke aur dastkhatt mālikān wa paṭwārī dīh wa qānūngo-i maḥal mulāḥaza meṇ guzarā. Ba'd taṣdīq wa mil'ān dīgar kaghazāt ke ma'lūm hotā hai ki muṭābiq wa durust hai. Lihāzā hukm hu'ā ki yih wājib-ul-'arz ba-murūd-i manzūrī ba-ḥuzūr-i ṣāhib muhtamim-i bandobast bahādur bhejā jāwe.

marqūm 24 October 1853

dastkhatt: Ghulām Husain Khān, superintendent

Aj yih wājib-ul-'arz mulāḥaza meṇ guzarā. hukm hu'ā ki manzūr ho.

31 January 1854

R.E. Egerton, officiating Settlement Officer

Tatimma wājib-ul-'arz bābat-i banāne chāh jadīd wa murammat-i chāh kuhna mauza' Ghausgarh pargana Sānawāl

Aur yih bhī iqār karte haiṅ ki ko'ī chāh jadīd banāwegā yā kiṣī chāh purāne kharāb shuda kī murammat karegā to jis tarḥ sarkār bābat-i chāh jadīd bist sāl tak wa bābat-i murammat-i chāh kuhna das sāl tak mālik wa banānewāla, ḥasb-i munshā'ī sarkār nambar 41 san 1850, yaum-i ṭayyārī se bāchh izād na karegī usī tarḥ se ham bhī bāham bāchh chāh kī mālik aur banānewāla par tā mī'ād mazkūr izād na kareige ba-sharte-ki sharīk-i kharch-i ta'mīr wa murammat chāh kī hogā, aur jo ko'ī sharīk-i kharch-i ta'mīr wa murammat meṇ na hogā aur fā'ida ābpāshī chāh se uṭhāwegā to wuh lagān chāhī se mahfūz na rahegā.

al-'abd: [muhr do lambardārān ke]

dastkhatt: Rām La'l paṭwārī

dastkhatt: [district officer]

Fard ismwār aṭrāfiyān mauza' Ghausgarh pargana Sānawāl taḥṣīl Lūdhīyāna

nambar shumār	nām qaum	nām aṭrāfiyān ba-qaid-i waladīyat	ta'dād zar-i aṭrāfi
1	hajjām musalmān	T1A walad T1B	8 ānā fī ghar sāliyāna
2	dhobī musalmān	T2A walad T2B	aiṣaṇ
3	lohār musalmān	T3A walad T3B	aiṣaṇ
4	takhān hindū	T4A walad nā-ma'lūm	aiṣaṇ

[Inspection and transmission for sanction:] Today this wājib-ul-'arz has come before my notice, having been forwarded by Qubul Singh, chief clerk, and bearing his signature as well as the signatures of the proprietors and paṭwārī of the village and of the local qānūngo. After verification and comparison with other papers it appears that [the document] is correctly drawn up and true. It is therefore ordered that this wājib-ul-'arz be sent to the honourable Settlement Officer for his approval.

Dated 24 October 1853

Signature: Ghulam Husain Khan, superintendent

[Approval:] Today this wājib-ul-'arz has come for consideration. Ordered that it be approved.

31 January 1854

R.E. Egerton, officiating Settlement Officer

Addendum to the wājib-ul-'arz of Ghausgarh village, pargana Sahnewal, regarding the building of new wells and the repair of old wells

We also promise that if a new well is built or an old, broken down well is repaired, just as the government does not immediately increase the revenue liability of owner and builder, for a period of twenty years in respect of new wells and ten years in respect of repaired old wells, as laid down in government directive number 41 of 1850, so for the same period we too will not increase the revenue liability of the owner and builder among ourselves, provided that whoever reaps the benefit of irrigation had shared in the cost of construction or repair; anyone who did not share in these costs but enjoys the benefit of irrigation will not be protected from the rate for irrigated soil being applied.

Seal of two headmen

Signed: Rām Lal, paṭwārī

Initials of a district officer [date not given in the 1920s' copy]

Register of those who pay trade tax, village Ghausgarh, pargana Sahnewal, taḥṣīl Ludhiana

number	caste	name & father's name	amount
1	Muslim barber	T1A son of T1B	8 ānās a year per house
2	Muslim washerman	T2A son of T2B	ditto
3	Muslim blacksmith	T3A son of T3B	ditto
4	Hindu carpenter	T4A son of unknown	ditto
5	Hindu goldsmith	T5A son of T5B	ditto
6	Muslim Jat	T6A son of T6B	ditto
7	ditto	T7A son of T7B	ditto
8	ditto	T8A son of T8B	ditto
9	ditto	T9A son of T9B	ditto

Seal of two headmen

Witness: Devi Ditta son of Nanu, brother's son of Rām Lal son of Dasondhi paṭwārī

5	sūnār hindū	T5A walad T5B	aiṣan
6	jāt musalmān	T6A walad T6B	aiṣan
7	aiṣan	T7A walad T7B	aiṣan
8	aiṣan	T8A walad T8B	aiṣan
9	aiṣan	T9A walad T9B	aiṣan

al-'abd: [muhr do lambardārān ke]

gawāh shud: Devī Dittā walad Nānū birādar-zāda Rām La'l pīsar

Dasondhī paṭwārī dīh

Aj is fard ko lambardārān aur dahandagān aṭrāfi ne, ba-ghair hāziri nambar 6 wa nambar 7 wa nambar 8 wa nambar 9 qaum jāfān ke, hamāre sāmne taṣdīq kiya. Lekin paṭwārī Devī Dittā walad Nānū birādar-zāda Rām La'l paṭwārī ne kahā ki mundarija asmā'-i fard qaum jāfān se aṭrāfi nahīn fī jāfī. Is wāṣṭe hukm hu'ā ki fard aṭrāfi taṣdīq hu'ī manzūr ho aur shāmil wājib-ul-'arṣ ke rahe.

15 April 1854

dastkhatt: R.E. Egerton

Janāb-i 'alīy, is fard meṁ qaum sūnār hindū likhā hai aur wājib-ul-'arṣ ba-jā-e qaum sūnār qaum khatri likhā hai, lihāzā unmaidwār hūn ki hukm-i huṣūr ba-hukm-i ṣahīh hone qaum sūnār mundarija fard hāzā aur ghalaṭ hone qaum khatri mundarija wājib-ul-'arṣ likhā jāwe, tab yih fard shāmil-i miṣl-i bandobast karī jāwe.

marqūm 31 August 1854

al-'abd: Thākūr Dās muḥāfiṣ-i daftar

Yih fard aṭrāfi ṣahīh manzūr ho-kar shāmil-i miṣl-i bandobast ho, aur tahrīr-i wājib-ul-'arṣ nisbat aṭrāfi ke ghalaṭ samjhi jāwe.

8 December 1854

dastkhatt: [Extra Assistant Commissioner]

Izādī ba-sharṭ-i razāmandī lambardārān mauṣa' Ghausgarh pargana Sānawāl ḥasb-i manzūrī ṣahīb Commissioner bahādur, mu'arrakha 10 December 1867

Har ek shakhs jab ek chāh se pānī apne khet meṁ le jānā chāhe aur darmiyān meṁ chāh aur khet ke khet-hā'e dīgar khewaṭdārān ke shāmil hon to ba-rūh-i ḍaul-i khet-hā'e mazkūr khāl banā-kar wuh shakhs pānī le jāwegā. Un dīgar khewaṭdārān meṁ kisī ko 'uṣar na hogā is sharṭ par ki wuh sīdhā rāsta ya'nī sab se nazdīk rāsta chāh se us khet tak ho.

al-'abd: [muhr 5 lambardārān ke]

dastkhatt: [district officer]

[Approval:] Today the headmen and those who pay the trade tax, with the exception of Jats numbers 6, 7, 8 and 9, have attested this register in front of me. But the paṭwārī Devī Dittā son of Nanu, brother's son of Ram Lal paṭwārī, said that no trade tax is taken from the Jats included in the names on the list. Accordingly it is ordered that the attested register of trade tax be approved and attached to the wājib-ul-'arṣ.

15 April 1854

R.E. Egerton

[Petition:] Sir, in this register the caste of Hindu goldsmith is written whereas in the wājib-ul-'arṣ the caste of Khatri is written in place of the caste of goldsmith. I request that an order be passed declaring that the caste of goldsmith in this register is correct and that the caste of Khatri in the wājib-ul-'arṣ is false. Then this register may be attached to the Settlement record.

31 August 1854

Thakur Das, keeper of the records

[Approval:] This register of trade tax has been approved and should be attached to the Settlement record, and what has been written in the wājib-ul-'arṣ concerning trade tax should be considered wrong.

8 December 1854

Signature: [Extra Assistant Commissioner]

Addition dated 10 December 1867 sanctioned by the Commissioner, conditional on the agreement of the headmen of village Ghausgarh, pargana Sahnewal

Any person who wants to bring water from a well to his field, and between the well and the field there are fields of other proprietors, should construct a channel for the water along the ridge bounding the above fields. Provided that the route is direct, i.e. is the shortest route between the well and the field, the other proprietors will have no complaint against anyone.

Seal of five headmen

Signature of district officer



## GLOSSARY

- ābādī*: village site.  
*amīn*: field surveyor.  
*aṛāfi*: a village-tax levied from non-cultivators, varying both in amount and in who was liable to pay it; properly *iḥtirāfi*, from *ḥirfa* meaning trade.  
*bāchh*: apportionment of a demand amongst members of a community according to some rule.  
*bail*: ox, bullock.  
*bandobast*: land revenue Settlement.  
*banjar*: uncultivated but cultivable land.  
*baṭāī*: division of the harvest on the threshing floor.  
*begār*: undifferentiated labour demanded by a superior, e.g. from a village as a whole by the State or, within a village, by shareholders for agricultural labour from non-specialists.  
*begārī*: applied in the locality at the 1853 Settlement chiefly to Chamars who supplied most of the demands for *begār*-labour.  
*beṭ*: the low-lying tract of land adjoining a river or, as here, between the old course of a river and its present course.  
*bhāī*: brother.  
*bhāichārā*: 'the custom of a brotherhood'; properly a distinct form of division of a *paṭīdārī* (divided) estate, it came to designate any land tenure in which shares were not 'ancestral'. See p.134, fn.6.  
*bighā*: in the Panjab  $\frac{5}{8}$ ths of an acre, 55 yards by 55 yards or a *jarīb* square.  
*biswā*: the twentieth part of a *bighā*.  
*biswādār*: in the older records, a proprietary shareholder in an estate.  
*chaukidār*: village watchman.  
*dargāh*: the shrine of some saint.  
*dih* or *deh*: village  
*ḍhaiyā*: uplands, in contradistinction to *beṭ*.  
*gānw kharch*: village expenses.  
*ghair maurūṣī*: 'non-hereditary', applied to tenants-at-will.  
*ghumā'o*: a measure of area  $1\frac{1}{2}$ - $2\frac{1}{2}$  times a *bighā*, not occurring in revenue records of the locality except occasionally before the 1853 Settlement.  
*got*: clan.  
*haddbast*: village boundaries.  
*hākim*: ruler.  
*hal*: plough.  
*halsārī*: rated on ploughs.  
*hiṣṣa*: share.  
*hiṣṣadār*: shareholder, applied to proprietors.  
*in'ām*: 'reward', an allowance granted to village headmen and their associates before British rule for collecting the revenue; it might be a share of the collections or a share of the land liable to revenue.

- in'āmdār*: the holder of an *in'ām*.  
*iqrār-nāma*: agreement or contract, applied particularly to the precursor of the *wājib-ul-arz* in the earlier records.  
*jāgīr*: revenue assignment.  
*jāgīrdār*: revenue assignee.  
*jama'*: revenue.  
*jama'bandī*: the quadrennially updated set of revenue registers of a village.  
*kachchā*: as opposed to *pakkā*; with measures, 1 *pakkā bighā* = 3 *kachchā bighās*, and 1 *pakkā ser* =  $2\frac{1}{2}$  *kachchā ser*.  
*kamīn*: specialist non-cultivator.  
*kan* or *kankūt*: assessment of revenue by appraising the standing crop.  
*kārdār*: official in charge of a *pargana* before British rule.  
*kāshī*: cultivation.  
*kāshikār*: cultivator.  
*khām*: as opposed to *pukhta*; like *kachchā/pakkā* but applied particularly to ploughs or plough-teams, 1 *hal pukhta* = 2 *hal khām*.  
*khāna*: household.  
*khānqāh*: religious institution or monastery.  
*kharch*: expenses.  
*khataunī*: cultivation holding; also the register of such holdings.  
*khewaṭ*: a proprietary holding or a holding liable to the State for revenue, as well as the register of such holdings in a village.  
*khewaṭdār*: the holder of a *khewaṭ*, i.e. the person designated as proprietor.  
*khudkāshī*: cultivating a holding oneself, or without alienating a part of the holding temporarily to someone else on some agreement.  
*lambardār*: village headman.  
*mafrūr*: someone who for some reason had not kept up his payments of revenue, implying a residual claim on land; literally 'run away'.  
*makhṭūt*: 'mixed up', applied to the repartition or reallocation of land.  
*malba*: the expense account of a village.  
*māl*: land revenue.  
*mālguzār*: the payer of land revenue.  
*mālik*: owner; in an older sense 'responsible for', as "*kāshī kā mālik*".  
*mālik qabza*: the owner of land without any associated share in commons.  
*man*: a measure of weight equal to 40 *ser* or 80+ lbs.  
*maurūṣī*: hereditary, applied to tenants to distinguish those with hereditary rights of occupancy from tenants at will (*muzārī'a ghair maurūṣī*).  
*mauza'*: village-estate, the unit of revenue in district administration.  
*mazdūrī*: labouring.  
*mu'āf*: exempt from revenue liability by the State, or from rent by a village.  
*mu'āfīdār*: the holder of a grant of revenue exemption.  
*mu'āmila*: land revenue, used in complementary opposition to *malba*.  
*mahalla*: urban quarter.  
*munshī*: clerk or employee in an office.  
*muqṭa'*: a lump sum, applied to rents, as *bil-muqṭa'*.

*mustājir* or *musta'jir*: revenue farmer.

*muzārī'a*: tenant, *maurūṣī* occupancy tenant, *ghair maurūṣī* tenant at will.

*paimā'ish*: measurement.

*pakkā*: opposite of *kachchā*.

*panch*: village elder, responsible *inter alia* for security arrangements.

*pargana*: older administrative division, seldom more than 50 villages.

*paṭṭī*: principal subdivision of a village.

*paṭṭidārī*: divided tenure, in opposition to *zamīndārī*, referring particularly to estates where shares were 'ancestral'.

*paṭwārī*: the village accountant.

*pukhta*: see *khām*.

*qabḷa*: possession; see *mālik qabḷa*.

*qalba*: plough, more usually the implement or the plough-team, whereas *hal* was applied to the land as well.

*qānūngo*: revenue official supervising a number of *paṭwārīs* and coordinating the revenue administration of a district.

*qaum*: caste, tribe, race, nation.

*robkār-i-akhīr*: a Settlement Officer's final proceeding or summing-up of Settlement operations in a village.

*ṣadr*: chief, as *ṣadr mālguzār* or *ṣadr qānūngo*.

*sānjī*: partner, particularly in cultivation; *sānjī-jī*, one whose share was based only on the supply of his labour; *sānjī-bail*, one whose share was based on the supply of oxen as well as his own labour.

*sarbarāhī*: guardianship.

*sep*: contract for the supply of goods or specialist services.

*ser*: a weight equal to just over 2 lbs.

*shāmīlāt*: the common holding of a village or of a subdivision of a village.

*sharīk*: partner.

*shumārī*: enumeration, e.g. of households (*khāna*), ploughs (*qalba*), wells (*chāh*) or people (*mardum*).

*taḥṣīl*: subdivision of a district.

*takīya*: religious sanctuary or shrine.

*ṭaraf*: generally a major subdivision of an estate, but applied here to the urban estates of Ludhiana.

*terīj*: cultivation register.

*thekā*: contract, specially in relation to the revenue farming of a village.

*thola*: subdivision of a *paṭṭī*.

*wājib-ul-arḷ*: the administration paper of a village. See Appendix D.

*waqf*: the establishment of a charitable trust in Muslim law.

*zabṭī*: applied to rents in cash from certain crops.

*zamīn*: land.

*zamīndār*: someone who controlled land.

*zamīndārī*: undivided tenure, as opposed to *paṭṭidārī*.

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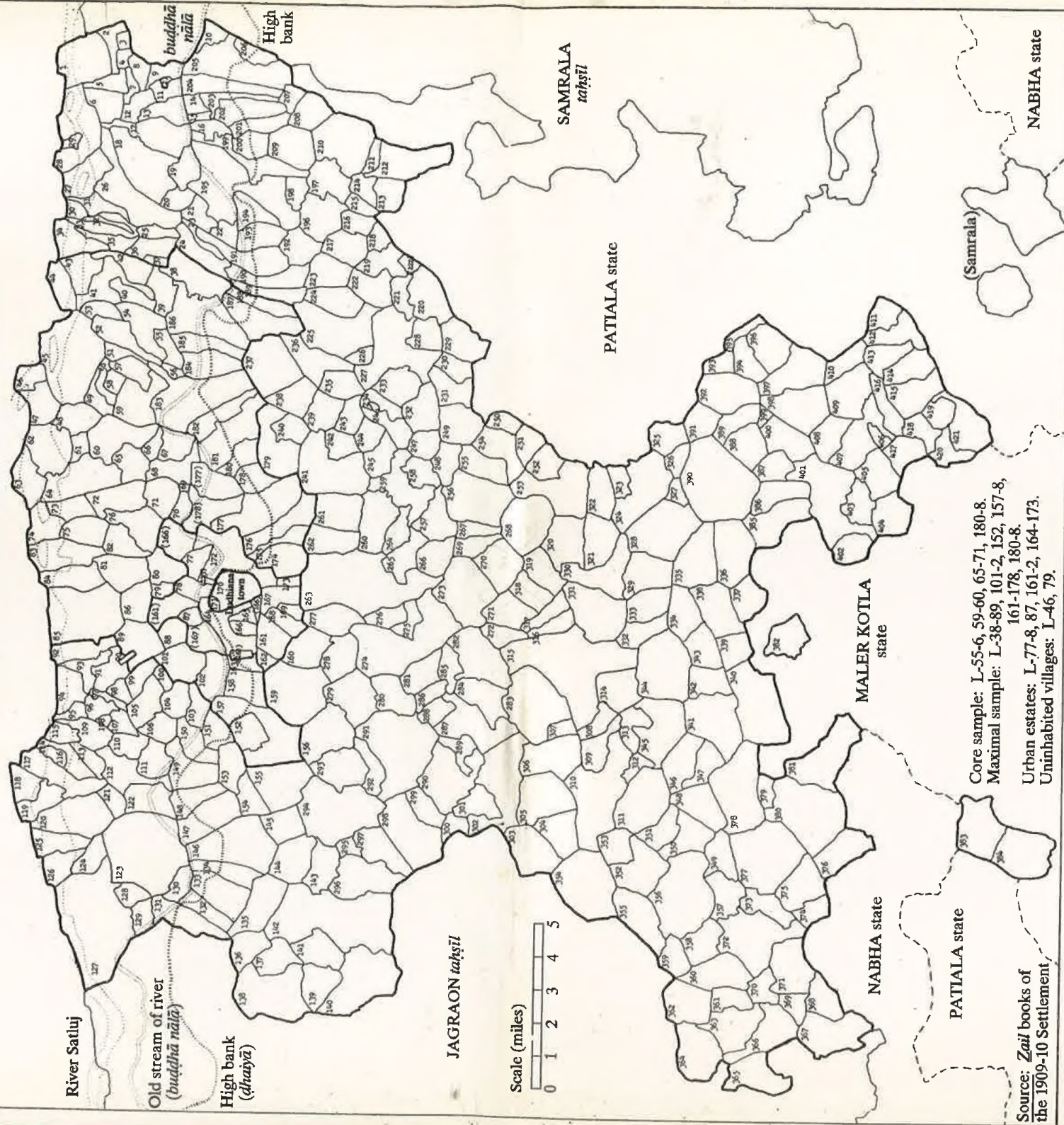
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# TAHŞIL LUDHIANA

Boundaries and *haddast* numbers of village estates at the 1909-10 Settlement



Core sample: L-55-6, 59-60, 65-71, 180-8.  
Maximal sample: L-38-89, 101-2, 152, 157-8, 161-178, 180-8.  
Urban estates: L-77-8, 87, 161-2, 164-173.  
Uninhabited villages: L-46, 79.

Source: *Zail* books of the 1909-10 Settlement.